

GAHC010060882024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./868/2024

MD. SADDAM HUSSAIN
S/O SEKENDER ALI
R/O GORUCHATAKA
NEAR MAJAR ROAD,
GARIGAON,
P.S. AND P.O. DHUPDHARA,
DIST. GOALPARA, ASSAM-783101

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. B D KONWAR SR. ADV.

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 05.04.2024

Heard Mr. B. D. Konwar, learned Senior Counsel assisted by Ms. M. Zomuanpuii, learned counsel for the petitioner. Also heard Mr. P. Borthakur,

learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioners, who has been arrested in connection with Dharamtul P.S. Case No. 08/2024 (GR No. 168/2024), under Section 395 of the Indian Penal Code.

It is submitted by Mr. B. D. Konwar, learned Senior Counsel for the petitioner, that the present accused/petitioner is innocent and he is no way connected with the alleged offence. He purchased the vehicle from one Rashidul Islam, original owner of the vehicle, by executing a Deed of Agreement on 21.02.2022 and by the said agreement, he was also obligated to continue the payment of installment of the vehicle which he was hypothecated to HDFC Bank. He was not present at the time of incident and he got arrested in connection with this case solely on the basis of statement of one co-accused Md. Babul Ali, who mentioned his name during his interrogation. He being the owner of the vehicle is no way connected with the alleged offence. However, he is ready and willing to co-operate with the I.O. in the further investigation of this case if he is granted with the bail. Further he submitted that the stolen goods are already been seized by the police and there is sufficient progress in investigation and hence, considering this aspect of the matter, viz-a-viz the period of detention of the accused/petitioner, who was arrested on 19.02.2024, he may be released on bail.

In this context, Mr. P. Borthakur, learned Additional Public Prosecutor, has submitted that a very serious allegation of hijacking of truck along with the

allegation of theft is lodged against the present accused/petitioner. Further he submitted that there are sufficient incriminating materials available in the Case Diary against the present accused/petitioner showing his involvement in the alleged offence. The value of the stolen articles is around Rs. 37,80,000/- and the investigation is still under progress and out of 15,000 Kgs of areca nuts, only around 5,000 Kgs of areca nuts are being seized till date and thus, the huge amount of the stolen articles are yet to be recovered/ seized by police. Accordingly, the learned Additional Public Prosecutor has submitted that this is not a fit case to grant the privilege of bail to the present accused/petitioner only considering the length of detention.

After hearing the submission made by the learned counsel for both sides and also considering the materials available in the Case Diary, incriminating materials against the present accused/ petitioner as well as the nature of offence and stage of investigation, I find that further custodial interrogation may be required to unearth some other facts involved in the case and hence, I do not find it a fit case to extend the privilege of bail to the accused/petitioner at this stage and accordingly, the same stands rejected.

In terms of above, this bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant