

GAHC010064612024



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

Case No. : Bail Appln./934/2024

MD. BABUL ALI AND 2 ORS.
S/O LT. AJID ALI
R/O AGGUMI, MAJGUMI
P.S. CHHAYGAON
DIST. KAMRUP, ASSAM

2: MD. BADAR UDDIN
S/O LT. SATTER ALI
R/O AHATA
P.S. MUKALMUA
DIST. NALBARI
ASSAM

3: MD. JURAN ALI
S/O LT. BAHEJ ALI
R/O TATABORI
P.S. HAJO
DIST. KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MD K RAHMAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 05.04.2024

Heard Mr. K. Rahman, learned counsel for the petitioners. 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 have been arrested in connection with Dharamtul P.S. Case No. 08/2024, under Section 395 of the Indian Penal Code.

It is submitted by Mr. K. Rahman, learned counsel for the petitioners, that the petitioners are innocent and they have been falsely implicated in this case. They are no way connected in the alleged offence and they have been arrested only on suspicion by the Investigating Officer. All the accused/petitioners are small businessmen and daily wage earners and there is none to look after their family and hence their entire family members are suffering great financial crisis after their arrest in connection with this case. More so, it is submitted by the learned counsel for the petitioner that the accused/petitioners are in custody since 18.02.2024 and thus, the I.O. got sufficient time to interrogate them

keeping them in custody. However, they are still ready and willing to co-operate with the I.O. in the further investigation of this case if they are allowed to go 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 brought against the present accused/petitioner. Further he submitted that there are sufficient incriminating materials available in the Case Diary against the present accused/petitioners showing their 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/petitioners 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/ petitioners 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/petitioners 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