

GAHC010071522024



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

Case No. : AB/903/2024

SONABOR ALI
S/O SAJAB ALI, R/O VILL- NO. 1 KANDHBARI, P.O.-KANDHBARI, P.S.-
MUKALMUA, DIST- NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

10.04.2024

1. Heard Mr. B. Chowdhury, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor appearing for the State of Assam.

2. This application under Section 438 of the Code of Criminal Procedure,

1973 has been filed by the petitioner, namely, Shri Sonabor Ali, who is apprehending his arrest in connection with Mukalmua P.S. Case No. 24/2024 under Section 457/380 of the Indian Penal Code.

3. The gist of accusation in this case is that one Fulmia Ali had on 20.01.2024, had lodged an FIR(First Information Report) before the Officer-In-Charge of Mukalmua Police Station, *inter-alia*, alleging that the accused persons named in the FIR, including the present petitioner were found looting the clothes of the informant situated in the new market and when the informant reached the shop, he found that they have dig a whole beneath the southern side of the wall of the shop of the informant and the clothes and other cash, valuables were found missing. When the informant tried to call the nearby shopkeepers, the accused persons threatened him with deadly weapons. However, when the nearby people gathered there, they apprehended accused No. 1, however, the other accused persons flew away in the four wheeler vehicle without any number plate.

4. Learned counsel for the petitioner has submitted that the petitioner went near the shop of the informant on being informed by one of his relative of the accused No. 1 that due to some medical urgency, his vehicle was required. But when he reached the shop of the informant, no body was found.

5. Learned counsel for the petitioner has also submitted that the allegations made against the present petitioner are not true. He also submitted that he is ready to co-operate in the investigation.

6. On the other hand, learned Additional Public Prosecutor, has vehemently opposed the grant of anticipatory bail of the petitioner. He has also produced the case diary Mukalmua P.S. Case No. 24/2024 and has submitted that there are incriminating materials in the case diary.

- 7.** I have considered the submissions made by the learned counsel for both the sides and have perused the case diary of Mukalmua P.S. Case No. 24/2024.
- 8.** On perusal of the case diary, it appears that some of the witnesses have deposed that when they reached near the shop of the informant, the accused No. 1 was apprehended at the spot. However, the other accused persons including the present petitioner were seen flew away from that place.
- 9.** Considering the incriminating materials available in the case diary, this court is of the considered opinion that this is not a fit case for granting of anticipatory bail.
- 10.** Hence, the prayer for anticipatory bail is hereby rejected.
- 11.** Send back the case diary.

JUDGE

Comparing Assistant