

GAHC010072652024



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

Case No. : AB/944/2024

MOHBURUR RAHMAN @ MAMON AHMED AND 3 ORS.
S/O ABDUL SUKKUR,
VILL.- KASIRGRAM, BHANGA, P.S.- BADARPUR, DIST.- KARIMGANJ.

2: SHAMIM AHMED TAPADAR
S/O SAHID AHMED TAPADAR

VILL.- MAIRGRAM
P.S.- BADARPUR
DIST.- KARIMGANJ.

3: MD. KURBAN ALI
S/O ALIYA BEGUM

VILL.- BUNDASHIL
P.S.- BADARPUR
DIST.- KARIMGANJ.

4: KAZI MD. IZAZ AHMED
S/O KAZI ABDUL AHMED HASAN

VILL.- KAJIRGARM
P.S.- BADARPUR
DIST.- KARIMGANJ
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PUBLIC PROSECUTOR.

Advocate for the Petitioner : MR. A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 31-05-2024

Heard Mr. A. Choudhury, learned counsel for the petitioners namely 1. Mohburu Rahman @ Mamon Ahmed, 2. Shamim Ahmed Tapadar, 3. Md. Kurban Ali and 4. Kazi Md. Izaz Ahmed.

2. The petitioners have filed this application under Section 438 of the Code of Criminal Procedure, 1973 with a prayer for pre-arrest bail they are apprehending arrest in connection with Badarpur Police Station Case No. 77/2024 under Sections 342/325/364(A)/386/385/34 of the Indian Penal Code, 1860.

3. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondent State.

4. I have considered the submissions at the bar with circumspection.

5. The allegation against the petitioners is that they kidnapped the driver and the other occupants of the truck bearing registration No. AS-15AC-6586 and assaulted them and forcefully robbed an amount of Rs.85,000/- (Rupees Eighty Five Thousand) through phone-pay and also Rs.3000/- (Rupees Three Thousand) in cash. Thereafter, they took them in a car in two different locations and left them and the petitioners fled.

6. It is submitted on behalf of the petitioners that the owner of the truck had to supply betel nuts which the owner did not and then, they had taken the

money of the betel nuts and thus no offence of kidnapping and extortion has been made out. The petitioners have denied that they have committed the offence as alleged.

7. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State, who has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioners.

8. I have scrutinized the Case Diary.

9. Indeed there are incriminating materials in the Case Diary against the petitioners.

10. Considering all aspects, it is held that there appears to be no justified ground to extent the privilege of pre-arrest bail to the petitioners at this stage.

11. In the above terms and conditions, this Anticipatory Bail application stands disposed of.

12. Send back the Case Diary.

JUDGE

Comparing Assistant