

GAHC010075332024



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

Case No. : AB/1001/2024

SHAHRUF KHAN
S/O AYNAL KHAN, R/O VILL- BHOGDIA, P.O.-BHOGDIA, P.S.-SARTHEBARI,
DIST- BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER

Date : 17.05.2024

Heard Mr. T. K. Bhuyan, learned counsel for the petitioner. Also heard Mr. D. Das, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

This second anticipatory bail application under Section 438 Cr.P.C., is filed for granting the privilege of pre-arrest bail to the petitioner, namely, **Shahruf Khan**, who is apprehending arrest in connection with **Azara P.S. Case No. 42/2024** registered u/s **407/420** of the IPC.

The case of the prosecution is that the petitioner has misappropriated 300

packages which were being transported by him as a driver of the truck to deliver the same to the requisite location.

Pertinent to mention that by order dated 28.03.2024, this Court, after taking the entirety of the facts and circumstances of the case and going through the case diary produced before the Court, rejected the prayer of anticipatory bail of the petitioner.

Mr. T. K. Bhuyan, learned counsel for the petitioner submits that the petitioner has a one and half year old child, who is suffering from illness and hence the second anticipatory bail application ought to be entertained.

Mr. D. Das, learned Addl. Public Prosecutor, on the other hand, strongly opposes the prayer for anticipatory bail. He submits that out of the 300 boxes alleged to have been taken away by the petitioner while driving the truck in which the said boxes were being transported; only 50 boxes have been recovered. He further submits that the balance boxes are yet to be recovered.

I have heard the learned counsels for the parties and perused the materials available on record.

This Court rejected the prayer of anticipatory bail earlier after evaluating and analysing the entire materials placed before the Court.

There appears no change of circumstances warranting grant of anticipatory bail as sought for in the instant second bail application.

Accordingly, the application stands rejected.

This anticipatory bail application accordingly stands disposed of.

JUDGE

Comparing Assistant