

GAHC010075762024



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

Case No. : Bail Appln./1077/2024

JULHAS ALI
S/O SRI AYNAL HOQUE
R/O VILL- PATLIKUCHI PATHAR,
P.O. BARPALLY, P.S. AND DIST. BARPETA, ASSAM, PIN-781314,
REPRESENTED BY SRI AYNAL HOQUE
SON OF LATE HASMAT ALI
R/O VILL- PATLIKUCHI PATHAR,
P.O. BARPALLY, P.S. AND DIST. BARPETA, ASSAM, PIN-781314, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR G RAHUL

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 24.04.2024

Heard Mr. G. Rahul, learned counsel for the accused and Mr. P.S. Lahkar, learned Addl. Public Prosecutor for the State respondent.

2. This petition, under Section 439 Cr.P.C. is preferred by the accused, namely, Julhas Ali, who has been languishing in jail hazot in connection with Basistha P.S. Case No. 212/2024, under Section 381 of the IPC, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Kuddus Ali on 30.03.2024. The essence of allegation made in the FIR dated 30.03.2024, is that on that day at about 1 p.m., the informant hired on 407 Mini Truck, bearing Registration No. AS-28-C-9533 from Katahbari for purchasing ginger from Shillong, and when he reached Brahmaputra Bazar, for some collection, then the driver of the vehicle, namely, Md. Ashraful Ali fled away with his bag containing a sum of Rs. 10,50,000/- leaving him at Brahmaputra Bazar and his mobile phone was found to be switched off later on.

4. Mr. Rahul, the learned counsel for the accused submits that the accused was arrested on 01.04.2024 and since then, he has been languishing in jail hazot for last 24 days and that he is no way involved with the offence alleged in the FIR and that the main accused has already been arrested by police and some of the amount, allegedly stolen from the vehicle, has already been recovered and seized by police, and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. P.S. Lahkar, learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the accused and that half of the stolen amount is yet to be recovered, and investigation is going on and therefore, Mr. Lahkar has opposed the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and

also perused the case diary with the assistance of Mr. P.S. Lahkar, learned Addl. Public Prosecutor.

7. It appears from the case diary that the FIR named accused Md. Ashraful Ali has already been arrested and a sum of Rs. 2,99,500/- was seized from his possession on 02.04.2024 and another sum of Rs. 2,00,000/- was recovered and seized from his possession on the same day.

8. In view of the materials collected so far in the case diary against the accused as well as the stage of investigation, further custodial detention of the accused seems to be not warranted here in this case and therefore, this Court is inclined to allow the petition. It is provided that on furnishing a bond of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned CJM, Kamrup(M), Guwahati, the accused be enlarged on bail.

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

10. Case diary be returned.

JUDGE

Comparing Assistant