

GAHC010084912024



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

Case No. : AB/1111/2024

HAZARAT ALI AND ANR.
S/O LATE MIJANUR RAHMAN,
VILL.- DALOR PATHER,
P.O.- B.D. PATHER,
P.S.- PATACHARKUCHI,
DIST.- BAJALI, ASSAM.

2: IMDADUL AHMED @ IMDADUL HOQUE
S/O HAZARAT ALI

VILL.- DALOR PATHER

P.O.- B.D. PATHER

P.S.- PATACHARKUCHI

DIST.- BAJALI
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. N K KALITA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

20.05.2024

Heard Mr. N. K. Kalita, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State.

By this application under Section 438 of Code of Criminal Procedure, 1973, the petitioners, namely, (1) Hazarat Ali and (2) Imdadul Ahmed @ Imdadul Hoque have approached this Court seeking the benefit of pre-arrest bail, apprehending their arrest, in connection with Patacharkuchi Police Station Case No. 75/2024 registered under Section 379 of IPC.

In the First Information Report (FIR) lodged before the Officer-in-charge, Patacharkuchi Police Station on 09.04.2024, the informant had inter alia, alleged that at around 08-00 AM on 08.04.2024, his bicycle was stolen from the premises of a Madrassa. When the police was informed, three persons were apprehended on the basis of CCTV footage recorded from CCTV installed in the Madrassa premises and as alleged in the FIR, three apprehended accused persons had confessed their involvement in the theft. The two petitioners are also named in the FIR as accused persons besides the three apprehended accused persons. It is alleged in the FIR that the three apprehended accused persons had stated that the petitioner No. 2 was also involved in the process of theft.

This Court vide order dated 30.04.2024 has granted interim protection to the petitioners while calling for case diary.

The case diary is received. Perused the same.

This Court under its order dated 30.04.2024, granted interim pre-arrest bail to

the petitioners and case dairy reveals that after such protection, the petitioners had appeared before the Investigating Officer and got their statements recorded. In the meantime, the stolen property had also been recovered from the possession of the other co-accused and not from the petitioners. The basic materials against the petitioners are that they are also associates of the arrested co-accused.

Considering the material so far collected against the petitioners, nature of allegations and also considering the fact that the petitioners had appeared before the Investigating Officer and co-operated with the investigation, got their statement recorded and that there is no material to suggest that the petitioners have tried to influence any witnesses, this Court is of the view that no custodial interrogation of the petitioners is required for the purpose of investigation.

Therefore, in the totality of the matter, the interim protection granted under order dated 30.04.2024 is made absolute with the same terms and condition.

Accordingly, this bail application stands disposed of.

Return back the case dairy.

JUDGE

Comparing Assistant