

GAHC010093812024



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

Case No. : AB/1228/2024

MD. MOSRAFE MURTAZA AHMED (MINOR)
REPRESENTED BY HIS FATHER
MD. NAUSAD ALI
R/O KANAI CHUBA,
P.O. HOWLY MOHANPUR
P.S. MANGALDAI
PIN-784125, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR A NATH, MR. NAYAN J. MEDHI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 05-09-2024

Heard Mr. A. Nath, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam appearing for the State respondent.

The present application has been so filed by the petitioner namely, Md. Mosrafe Murtaza Ahmed seeking pre-arrest bail in connection with Jalukbari P.S. Case No.178/2024 under Sections 120(b)/420/392/34 IPC.

On perusal of the FIR dated 05.04.2024 leading to the registration of the above noted Jalukbari P.S. Case No.178/2024 would go to reveal that one Bikash Deka had snatched the goods, which were brought for delivery by the courier service personnel and have fled away with the said goods.

The case diary as produced by Mr. P. Borthakur, learned Additional Public Prosecutor reveals that the investigation in the matter had led to the arrest of Miraj Ali and from his statement the name of the petitioner had come to light in the matter.

I have perused the materials available on record as well as the case diary.

From the case diary, it reveals that the goods as well as certain cash amount have also been recovered from the resident of the present petitioner. Although the learned counsel for the petitioner has submitted that the amount, so recovered, have since been in the zimma of the father of the petitioner.

In view of the above and also considering the age of the petitioner herein, this Court is of the view that custodial interrogation of the petitioner named above is not called for and accordingly, it is provided that the petitioner is entitled to be enlarged on pre-arrest bail

Accordingly, it is provided that in the event of arrest of the petitioner named above in connection with Jalukbari P.S. Case No.178/2024 under Sections 120(b)/420/392/34 IPC, he shall be released on bail on furnishing a bail bond of Rs.20,000/- (Rupees twenty thousand) with a suitable surety of the like amount to the satisfaction of the Arresting Authority subject to the following conditions:-

i. That the petitioner shall appear before the Investigating Officer within 7 (seven) days from today and record his statement. The petitioner shall continue to appear before the Investigating Officer

as and when so required for the purpose of investigation of the case.

ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any other persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts before the Investigating Officer and;

iii. the petitioner shall not hamper the investigation or temper with the evidence of the case.

With the above observation, the Anticipatory Bail application stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant