

GAHC010093902024



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

Case No. : AB/1210/2024

ALTAB HUSSAIN
S/O TASIR ALI
R/O VILL- JARANG PATHER
P.O. PADUMPUKHURI, P.S. HOJAI
DIST. HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : F K R AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 24-05-2024

- 1.** Heard Mr. FKR Ahmed, learned counsel for the petitioner.
- 2.** This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, namely,

Altab Hussain who is apprehending arrest in connection with Lumding GRPS Case No. 22/2024 under Sections 394/419 of the Indian Penal Code.

3. Heard Mr. R.R. Kaushik, learned Addl. PP., Assam.

4. The FIR unfolds that on 10.03.2024, Abdus Shubud was travelling in down Silchar Rangiya Train No. 15612 from Badarpur. He was carrying 4 kgs 700 gms of Agarwood worth Rs. 7,50,000/-. On the next date, at about 7 AM the accused named in the FIR including the present petitioner in a pre-planned manner snatched the trolley from Abdus Subur at Hojai Railway Station by posing as RPF Officers and the trolley was handed over by the accused to the present petitioner. The accused named in the FIR also assaulted Abdus Subur with iron rod causing grave injuries. Later the complainant Abdus Subur learnt that except the present petitioner, the other accused named in the FIR are not police personnel.

5. The learned Addl. PP has raised serious objection against the bail petition. It is submitted that although the petitioner is a Home Guard, he is a habitual offender and he has been involved in multiple crimes. Investigation may be adversely affected if the present petitioner is admitted to bail.

6. It is submitted on behalf of the petitioner that being a government employee if he is arrested he may be terminated from service.

7. I have scrutinised the Case Diary. Indeed there are incriminating materials against the present petitioner. The submission of the learned counsel that the informant was smuggling Agarwood cannot be considered at this stage.

8. In view of my foregoing discussions and considering all aspects, there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner at this stage of investigation.

Hence petition is rejected.

Send back the Case Diary.

JUDGE

Comparing Assistant