

GAHC010101422024



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

Case No. : AB/1325/2024

USMAN SK AND 2 ORS
S/O SOMIR UDDIN SK., R/O VILL- DHOLAGAON, P.O.-SIMLABARI, P.S. AND
DIST- BONGAIGAON, ASSAM

2: MINARUL ALI
S/O SOMIR ALI
R/O VILL- DHOLAGAON
P.O.-SIMLABARI
P.S. AND DIST- BONGAIGAON
ASSAM

3: MOKIDUL ALI
S/O LAHER ALI
R/O VILL- DHOLAGAON
P.O.-SIMLABARI
P.S. AND DIST- BONGAIGAON
ASSA

VERSUS

THE UNION OF INDIA
REPRESENTED BY THE NF RAILWAY

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 13.06.2024

Heard Mr. M. Khan, learned counsel appearing for the petitioners and Mr. P.S. Lahkar, the learned Additional P.P. for the State of Assam.

This is an application under Section 438 of the Cr.P.C. in respect of RPF/Post/NBQ (WS) Case No. 01 of 2024.

Some people used to enter into stationery Railway Wagons and they used to remove the copper wires of the Railway Wagon. On 12.05.2024, the FIR was lodged because on that day, one person was apprehended by police while committing theft of the copper wires. He was accompanied by some other persons also and all of them managed to escape into nearby jungle.

The three petitioners have alleged that they are not involved in the said offence and police has been unnecessarily harassing them.

I have found that the case diary has incriminating materials against the present petitioners. Therefore, their custodial interrogation is necessary.

For the aforesaid reasons, the bail application filed by the petitioners is rejected and disposed of accordingly.

The CD shall be returned.

JUDGE

Comparing Assistant