

GAHC010102852024



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

Case No. : Bail Appln./1482/2024

MD.ALIMUDDIN BORBHUYAN AND ANR
S/O MAKADDAS ALI BORBHUYAN
R/O TARAPUR JALALPUR
P.S.KALAIN
DIST. CACHAR, STATE- ASSAM,
PIN-788816

2: MD. NURUL ISLAM
S/O ABDUL KAYUM
R/O TARAPUR JALALPUR
P.S.KALAIN
DIST. CACHAR
STATE- ASSAM

PIN-78881

VERSUS

THE STATE OF ASSAM
REP BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MR. P K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 29-05-2024

Heard Mr. P.K. Das, learned counsel for the petitioners.

2. The petitioners namely 1. *Md. Alimuddin Borbhuyan* and 2. *Md. Nurul Islam* have filed this application under Section 439 of the Code of Criminal Procedure, 1973 (CrPC for short) with a prayer for bail as they are behind bars since 29.04.2024 in connection with Gorchuk Police Station Case No. 129/2024 under Sections 420/379/411/413 of the Indian Penal Code, 1860 (IPC for short).

3. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

4. The FIR unfolds that on 29.04.2024 the petitioners were the drivers of the truck bearing registration No. AS-01-EC-1659 loaded G.L. Corragated sheet JSW Vishwast (0.20 mm) (1) and another PVC empty drum loaded from Beharbari and proceed to Silchar Maruti Hardware for delivery. The loaded items were valued at Rs.21,86,850/- (approximately). When the informant lost communication with the driver, the matter was informed to the Garchuk Police Station suspecting the driver and the staff of the loaded truck to be involved in the disappearance.

5. It is submitted by the learned Additional Public Prosecutor that during investigation it was unearthed that the aforementioned truck (AS-01-EC-1659) was actually having the registration No. TR-01-AV-1674. It is further submitted by the learned Additional Public Prosecutor that there are incriminating materials in the Case Diary against both the petitioners. However, all the articles have been seized in connection with this case.

6. I have considered the submissions at the bar with circumspection and I have also scrutinized the Case Diary.

7. Investigation has progressed to a considerable extent. The articles which were fraudulently loaded have been seized in connection with this case. The

petitioners have pledged to cooperate with the remaining part of investigation.

8. Considering all aspects and in view of my foregoing discussion, petition is allowed.

9. Petitioners are enlarged on bail on furnishing a bail bond of *Rs.30,000/- (Rupees Thirty Thousand)* each with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) under the conditions that:

The petitioners shall refrain from such activities with which they are alleged, failing which, bail order shall stand cancelled.

10. In the above terms and observations, this Bail Application stands disposed of.

JUDGE

Comparing Assistant