

GAHC010107982024



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

Case No. : AB/1406/2024

EMRAN ALOM
S/O ROFIQUL ISLAM
RESIDENT OF LENGTRIBARI, PS MOIRABARI, DIST MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : A KALITA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 31-05-2024

Heard Mr. B.P. Borah, learned counsel for the petitioner and Ms. N. Das, learned Additional Public Prosecutor, Assam for the respondent.

2. By this application under Section 438, Code of Criminal Procedure, 1973 [CrPC], the petitioner viz. Emran Alom has approached this Court seeking the benefit of pre-arrest bail, apprehending his arrest, in connection with Gorchuk Police Station Case no. 80/2024 registered under Sections 461/380, Indian Penal Code [IPC].

3. In the First Information Report [FIR], lodged on 13.03.2023, an incident of theft which occurred at the godown at Pub-Boragaon, Gorchuk, Guwahati of M/s Ronak Enterprise, was

reported. The stolen items were E-rickshaw Batteries, E-rickshaw Chargers and E-rickshaw Parts. The CCTV installed was found broken and the DVR box was found stolen.

4. The petitioner has contended that after arresting a number of accused persons in connection with Gorchuk Police Station Case no. 80/2024, the police personnel have visited the house of the petitioner suspecting the petitioner to be involved in the commission of the alleged offence. It is the case of the petitioner that he is an owner of a Mahindra Bolero Pick-up Truck and the police personnel are suspecting that the said vehicle was involved in transporting the stolen articles. Contending that the police personnel are after the petitioner merely on suspicion, the petitioner has approached this Court by the instant application seeking the benefit of bail.

5. Ms. Das, who has received the case diary, has submitted on the basis of the materials collected during the course of investigation carried out so far, available in the case diary, that the petitioner is suspected to be involved in the crime as a number of persons known to him are involved in the crime. Ms. Das has, however, fairly submitted that sufficient incriminating materials are not available to connect the petitioner with the act of theft committed in the godown at Pub-Boragaon, Gorchuk, Guwahati. It is submitted that the investigation of the case is in progress.

6. Having regard to the projection made on the behalf of the petitioner and the submission made that the investigation is still in progress but sufficient incriminating materials are not yet available against the petitioner, this Court is of the considered view that custodial interrogation of the petitioner for the purpose of carrying out further investigation into the case is not necessary provided that the petitioner extends his assistance and cooperation in the further investigation of the case.

7. Accordingly, it is provided that in the event of arrest of the petitioner viz. Emran Alom in connection with Gorchuk Police Station Case no. 80/2024, he shall be released on bail on furnishing a bail bond of Rs. 50,000/- with one local surety of the like amount, to the satisfaction of the arresting authority subject to the conditions that :-

- [i] the petitioner shall appear before the Investigating Officer [I.O.] of the case within a period of 10 [ten] days from today and shall cooperate with the investigation of the case;
- [ii] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- [iii] the petitioner shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- [iv] the petitioner shall maintain law and order and he shall not commit an offence similar to the offence of which he is accused, or of the commission of which he is suspected; and
- [v] the petitioner shall regularly remain present during the trial and co-operate the Court to complete the trial for the above offences, if charge sheeted in the case.

8. The bail application stands disposed of in the aforesaid terms.

JUDGE

Comparing Assistant