

GAHC010113372024



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

Case No. : AB/1489/2024

HABIBUR RAHMAN
S/O HUSSAIN ALI, R/O VILL- FATEHPUR, P.O.-KUTUBPUR, DIST-SONITPUR,
ASSAM, PIN-787054

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR G PHUKAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

15.07.2024

1. Heard learned counsel Mr. G. Phukan for the petitioner Habibur Rahman.
2. This application has been filed by the petitioner under Section 438 of the Cr. PC with prayer for pre-arrest bail as he is apprehending arrest in connection with Tezpur P.S. Case No. 270/2024 under Sections 420/406/392 of the IPC.

- 3.** Heard Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.
- 4.** The FIR unfolds that the informant who was in need of a second hand vehicle found a swift vehicle from second hand dealer through a YouTube channel and immediately contacted the dealer at Biswanath Chariali. They were in contact for about a week. The dealer then took the informant to Mission Chariali. The person who was contacting the informant through mobile phone relating to the aforementioned vehicle came to Mission Chariali in a white vehicle along with another person and took the informant and his friend to a distant location and stopped his vehicle.
- 5.** The occupants came out from the vehicle and at that time, the petitioner and his friends committed theft of Rs. 1,50,000/- which was kept in the vehicle by the informant. The informant brought the amount to purchase the vehicle from the petitioner and his friend who posed themselves as the dealer of the second hand vehicle.
- 6.** The Learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioner and the co-accused. Learned Additional Public Prosecutor also states that statement of the witnesses as well as co-accused directly incriminates the petitioner.
- 7.** It is also submitted on behalf of the petitioner that he is a local resident and is not a flight risk. It is further submitted that he is the sole bread winner of his family and his family will suffer immensely if he is forwarded into custody.
- 8.** The petitioner is willing to abide by any stringent terms and conditions if bail is to be granted to him. The petitioner is willing to co-operate with the investigation.

9. Considering all aspects, and in view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that;

- (i) the petitioner shall refrain from such activities with which he is alleged,
- (ii) the petitioner shall not leave the jurisdiction of the Court without prior permission, and
- (iii) the petitioner shall not temper with the evidences.

On breach of any of the bail conditions, bail order shall stand automatically cancelled.

10. Send back the Case Diary.

JUDGE

Comparing Assistant