

GAHC010114112024



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

Case No. : Bail Appln./1656/2024

SIRAJ ALI @ CHIRAJ ALI
S/O HUSSAIN ALI, R/O KASUAPATHR, P.S.-MUKALMUA, DIST- NALBARI,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR T H HAZARIKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 19.06.2024

- 1.** Heard Mr. T. H. Hazarika, learned counsel for the petitioner. Also heard R. R. Kaushik, learned Additional Public Prosecutor for the State.
- 2.** This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 by the petitioner, namely, Siraj Ali @ Chiraj Ali who has been detained behind the bars since 02.05.2024, and who has been shown as

arrested in Hatigaon P.S. Case No.86/2024 on 23.05.2024.

3. It is pertinent to note herein that before his showing arrest in the Hatigaon P.S. Case No.86/2024, the present petitioner was also arrested in connection with Hatigaon P.S. Case No.87/2024.

4. The gist of accusation in this case is that on 01.05.2024, one Rohit Kumar Thakur had lodged an FIR before the officer-in-charge of Hatigaon Police Station, *inter-alia*, alleging that a theft took place in his residence at the 1st Floor of Muktinath Housing Society, House No. 87, Ajanta Path, Survey, under Hatigaon Police Station, and golden jewellery amounting to Rs. 1,50,000/- was stolen there from.

5. The learned counsel for the petitioner has submitted that the petitioner is in no way involved in the offence alleged in this said FIR. However, as he was earlier arrested in connection with a similar offence, he has been arrested in the instant case only because of suspicion.

6. The learned counsel for the petitioner has also submitted that the petitioner has already been detained behind the bars for the last 27 days and he is ready to cooperate in the investigation.

7. On the other hand, learned Additional Public Prosecutor has produced the case diary of Hatigaon P.S. Case No.86/2024 and has submitted that there are incriminating materials in the case diary against the present petitioner and the co-accused of this case have implicated him. He also submits that the modus operandi of the accused persons involved in the offence is to mould the golden ornament after stealing the same and selling the moulded form to the unsuspecting customers.

8. I have considered the submissions made by the learned counsel for both the sides and have also produced the case diary of Hatigaon P.S. Case

No.86/2024, which was called for in connection with this case.

9. It appears from the case diary that nothing has been recovered from the possession of the present petitioner in connection with this case and as he has already been detained behind the bars for the last 27 days, his further custodial detention under the facts and circumstances of this case does not appear to be necessary, if he otherwise cooperates with the Investigating Officer.

10. In view of above, the above-mentioned petitioner is allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only), each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro) subject to the following conditions:

- i.** That the petitioner shall co-operate in the investigation.
- ii.** That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer.

11. With above observation, this bail application is hereby disposed of.

12. Send back the case diary.

JUDGE

Comparing Assistant