

GAHC010114372024



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

Case No. : Bail Appln./1676/2024

JULHASH ALI @ JUL HASH ALI
S/O LT. BILAT ALI
R/O KANDHABARI
P.S. MUKALMUA
DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

24.06.2024

1. Heard Mr. S. Ahmed, learned counsel for the petitioner and also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Julhash Ali @ Jul Hash Ali, who has been shown arrested in Hatigaon P.S. Case No. 86/2024 on 21.05.2024. The petitioner was arrested on 05.05.2024 in connection with another case, i.e. Hatigaon P.S. Case No. 87/2024.

3. 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 resident at the first floor of Muktinath Housing Society, House No. 87, Ajanta Path, Survey, under Hatigaon Police Station and gold jewellery amounting to Rs. 1,50,000/- was stolen therefrom.

4. 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.

5. Learned counsel for the petitioner has submitted that he has been detained behind the bars for last 50 days and he is ready to co-operate in the investigation.

6. 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. He has submitted that several such incident of theft have occurred in recent past, where the *modus operandi* of the committing crime is similar and therefore, he has opposed the grant of bail to the present petitioner.

7. I have considered the submissions made by the learned counsel for

both the sides and have perused the case diary of Hatigaon P.S. Case No. 86/2024, which was called for in connection with this case. It appears from case diary that though co-accused have implicated him, however, nothing was recovered from his possession. It also appears that the above-named petitioner has already been detained behind the bars since 21.05.2024 and in the meanwhile, one of the co-accused, namely, Siraj Ali @ Chiraj Ali has already been granted bail by this Court, by order dated 19.06.2024, in Bail Application No. 1656/2024.

8. In view of above, in the event of arrest of the above-named petitioner, in connection with Hatigaon P.S. Case No. 86/2024, he shall be allowed to go on interim bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority, subject to the conditions that:-

(i) the petitioner shall co-operate in the investigation; and

(ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court.

9. With the above observations, this bail application is hereby disposed of.

10. Send back the case diary.

JUDGE

Comparing Assistant