

GAHC010114402024



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

Case No. : AB/1513/2024

SIKANDAR ALI
S/O MUSLEM UDDIN
VILL- JORIBOR
P.O.-PHALIHAMARI PATHER
P.S.-BHURAGAON
DIST- MORIGAON
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. J AHMED
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

13.06.2024

Heard Mr. J. Ahmed, learned counsel for the applicant and also heard Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 438 Cr.P.C. is preferred by the applicant, namely, Sikandar Ali, who has been apprehending arrest in connection with Azara P.S. Case No.85/2024, under Section 407/379 IPC, for grant of pre-arrest bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Anurag Agarwal, on 13.04.2024. The essence of allegation made in the aforesaid FIR is that on 12.04.2024, at about 7:30 p.m., 200 packets of moong dal 30 kg in each packet, 100 packets of chana dal 30 kg in each packet, 500 packets of mosur dal 30 kg in each packet, worth of ₹ 19,07,307/- and 100 packets of moong dal 30 kg in each packet worth of ₹ 3,31,821/- were loaded in a Truck, bearing Registration No.NL-01K-1761, belonging to R.K. Transport, Azara driven by one Umad Ali, and the consignment was supposed to be delivered to Maya Product, Barpeta road. But, later on, he found the vehicle along with the loaded articles missing and also found the mobile phone of the driver switched off.

4. Mr. Ahmed, learned counsel for the applicant submits that the present applicant is the brother of Md. Ajijul Hoque, who along with said Ajijul Hoque had received 200 bags of stolen articles at the instance of accused Asikul Haque and that he is no way involved with the offence alleged in the FIR and that he is ready to cooperate with the investigating agency and that his mother had already suffered demise and religious function is going on and therefore, Mr. Ahmed contended to allow the petition.

5. On the other hand, Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the present applicant and from his and his brother's godown, 200 bags of stolen articles were recovered and seized by police and that his custodial interrogation is required in the interest of investigation and therefore, Mr. Lahkar has opposed the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. P.S. Lahkar, learned Additional P.P.

7. The case diary indicates that the I.O. has collected sufficient incriminating materials

against the present applicant. The investigation is going on and his custodial interrogation seems to be indispensable in the interest of investigation. Having regards to above and also having regards to the nature and gravity of the offence and also the punishment prescribed for the same, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be granted to the applicant and accordingly, the petition stands dismissed. Case diary be returned.

8. In terms of above, this anticipatory bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant