

GAHC010117112024



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

Case No. : Bail Appln./1703/2024

JIARUL HAQUE AND ANR
S/O- MAJIBUR RAHMAN
R/O GHABI MUSLIM GAON
P.S. SOOTEA
DIST- BISWANATH CHARIALI, ASSAM

2: SRI JITEN PAUL
S/O LT. ANANDA PAUL
R/O GNB SILPUKHURI PATH
P.S. CHANDMARI
DIST. KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE LD. PP, GOVT. OF ASSAM

Advocate for the Petitioner : MR T THAKURIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 26.06.2024

1. Heard Mr. T. Thakuria, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure 1973, has been filed by the petitioners, namely (1) Jiarul Haque, and (2) Jiten Paul, who are detained behind the bars from 11.05.2024 and 13.05.2024, respectively.

3. The gist of accusation in this case is that on 22.03.2024, one Putul Kalita had lodged an FIR before the Officer-in-Charge of Fatasil Ambari Police Station, *inter-alia*, alleging that in the morning of 22.03.2024, at about 4.00 A.M., his Maruti Suzuki vehicle was stolen, when it was parked on the roadside in front of his house and the incident has been captured in the CCTV footage of the CCTV cameras which were there at the Crime scene.

4. Learned counsel for the petitioner has submitted that the petitioners are not involved in the offense alleged in the FIR and they have already completed 46 days behind the bars.

5. It is submitted by learned counsel for the petitioner that considering the period of detention, petitioners may be allowed to go on bail.

6. On the other hand, learned Additional Public Prosecutor has produced the case of Fatasil Ambari Police Station Case No. 108/2024 and has submitted that there are sufficient incriminating materials against the present petitioners in the case, including the CCTV footage, on the basis of which they were arrested.

- 7.** It is also submitted by learned counsel for the petitioner that the stolen vehicle is yet to be recovered.
- 8.** I have considered the submissions made by counsel for both the sides and have perused the materials available on record.
- 9.** Since there are incriminating materials against the petitioners and the stolen vehicle is yet to be recovered, this does not deem it proper to release the accused persons on bail at this crucial stage of investigation.
- 10.** The learned Additional Public Prosecutor has also submitted that it also appears from the case diary that one of the co-accused, who has been arrested in this case, namely, Bhaskar Bora has also been implicated with both the above named petitioners.
- 11.** Hence the prayer for bail is rejected.
- 12.** Send back the case diary.

JUDGE

Comparing Assistant