

GAHC010117992024



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

Case No. : AB/1620/2024

ABDUL REZZAK ALI AHMED @ ABDUR REJEK ALI AHMED
S/O LATE SAMEJ UDDIN @ SAMIJ UDDIN MUNCHI, R/O VILL-
DAKHINGAON, KAHILIPARA, BAIZAN PATH, HOUSE NO. 09, P.S.-
BASISTHA, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : G UDDIN, MR N JAMAL, MR A K AZAD, P ADHIKARI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 06.08.2024

Heard Mr. G. Uddin, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 438 of the Code of Criminal Procedure Code 1973, praying for granting anticipatory bail in respect of Sonapur P.S. Case No.100/2024, under Sections 379/411/413/34 of the Indian Penal Code.

3. On 21.05.2024, one Police Officer of Sonapur Police Station visited the premises of a scarp dealer at Bornihat and found there several machines like- Iron Cutter machine; rod cutter machine; copper pipes; Aluminum pipes and tiles cutter machines etc. The informant has raised that the scarp dealers of the locality encourage thieves to steal important materials and when the thieves bring those articles to the dealers, they (scrap dealers) then used to sales those stolen machines etc. in the market. According to the informant, this practice was going on for a long time.

4. Mr. Uddin, learned counsel for the petitioner submits that till now, nobody has claimed the ownership of the said so-called stolen properties.

5. I have considered the submissions made by learned counsel for both sides and have decided to agree with Mr. Uddin that nobody has claimed the ownership of the so-called stolen properties till now.

6. Therefore, the petitioner does not deserve to be detained in custody.

7. His prayer for pre-arrest bail is allowed.

8. It is hereby directed that in the event of arrest in connection with Sonapur P.S. Case No.100/2024, under Sections 379/411/413/34 of the Indian Penal Code, the petitioner Abdul Rezzak Ali Ahmed @ Abdur Rejek Ali Ahmed shall be released on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the arresting Authority.

9. The petitioner is also directed to co-operate with the Police Investigation as and when call for.

10. With the aforesaid direction the bail application stands disposed of.

CD shall be returned.

JUDGE

Comparing Assistant