

GAHC010118922024



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

Case No. : AB/1547/2024

ABDUL HANNAN
S/O MUNAF ALI
R/O VILL- NAMTI CHARIALI
P.O. AND P.S. NAMTI
DIST. SIVASAGAR, ASSAM,
PIN-785684

VERSUS

THE STATE OF ASSAM
REP BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : ALHAJJ I UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 19-07-2024

Heard Mr. R. Hazarika, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Gelakey P.S. Case No. 08/2024, under Sections 457/380 of the Indian Penal Code.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. R. Hazarika, learned counsel for the petitioner, that the present accused/petitioner is innocent and he is not the F.I.R. named accused person, nor there is any specific allegation brought against him in the F.I.R. He is a responsible person of his locality and will co-operate with the I.O. in the further investigation of this case if he is granted with the privilege of pre-arrest bail.

In this context Mr. Sharma, learned Additional Public Prosecutor, has submitted that from the materials available in the Case Diary, it is seen that there are sufficient incriminating materials against the present accused/petitioner. Rather, he is one of the prime accused of the offence and there was a nexus of group of people who are basically engaged in doing such kind of offence. Mr. Sarma further submitted that the present accused/petitioner arranges the vehicle to transport the cattle from the State of Assam, Nagaland and other States under their instance. Further he submitted that 3 (three) of the accused persons are already been arrested in connection with this case, but the other culprits are yet to be booked in connection with this case and in the same time, the theft buffalos and cows are yet to be recovered. Accordingly, Mr. Sarma submitted that this is not at all a fit case to grant the privilege of pre-arrest bail to the present accused/petitioner.

Considering the submissions made by learned counsels for both sides and also considering the materials available in the Case Diary, especially considering the role of the present petitioner as per the investigation of the I.O, I find that custodial interrogation of the present accused/petitioner may be required to unearth some other facts of this case, viz-a-viz to book the other culprits of the case.

In view of the above, I find that it is not at all a fit case to grant the privilege of pre-arrest-bail to the accused/petitioner and accordingly, the same stands rejected.

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

JUDGE -

Comparing Assistant