

GAHC010125932024



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

Case No. : AB/1627/2024

JAHANGIR ALOM AND 3 ORS.
S/O ABDULLAH SHEIKH
R/O VILL- BOYJERALGA PT.-5, .O. AND P.S. BILASIPARA, DIST. DHUBRI,
ASSAM

2: JAHINUR ALOM @ JAHANUR ISLAM
S/O ABDULLAH SHEIKH
R/O VILL- BOYJERALGA PT.-5
.O. AND P.S. BILASIPARA
DIST. DHUBRI
ASSAM

3: ABDULLA SHEIKH
S/O NAJIMUDDIN
R/O VILL- BOYJERALGA PT.-5
.O. AND P.S. BILASIPARA
DIST. DHUBRI
ASSAM

4: SATTAR ALI
S/O SHAH JAMAL
R/O VILL- PATAKATA PART- II
P.S. CHUNARI
DIST. GOALPARA
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. M ALI, MR J. E. SARKAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

09.08.2024

Heard Mr M Ali, learned counsel for the petitioners. Also heard Ms N Das, learned Additional Public Prosecutor for the State Respondent.

2. This application has been preferred under Section 438 of Code of Criminal Procedure, 1973, by the petitioners, namely, (1) Jahangir Alom, (2) Jahinur Alom @ Jahanur Islam, (3) Abdulla Sheikh, and (4) Sattar Ali, who are apprehending their arrest in connection with Bilasipara P. S. Case No. 122/2024 registered under Sections 120(B)/420/384/387 of the Indian Penal Code corresponding to G. R. Case No. 220/2024.

3. The gist of the accusation in this case is that on 14.05.2024 one Ajibur Rahman had lodged an FIR before the Officer-in-Charge of Bilasipara Police Station, inter-alia, alleging that one JCB bearing Registration No. AS16AC0148 was sold by the first informant to the petitioner No.1 at a consideration amount of Rs. 19,01,000/- and out of the said amount, the petitioner No.1 had paid only an amount of Rs. 15,01,000/- and remaining Rs. 4,00,000/- is yet to be paid.

4. It is alleged in the FIR that the petitioner No.1 is refusing to pay the said amount

and has been threatening to kill the informant and has forcefully obtained the signature of the informant on a blank paper.

5. The learned counsel for the petitioners has submitted that the petitioner No.1 has already paid the entire sum of outstanding amount to the informant and on 13.05.2024 i.e., one day before lodging of the said FIR, the petitioner No.1 has paid the remaining outstanding amount of Rs.3,00,000/- to the informant.

6. In support of his submission, the learned counsel for the petitioners has submitted the photocopies of the money receipt bearing the signature of the first informant.

7. The learned counsel for the petitioners has submitted that in the meanwhile the JCB has been registered in the name of the petitioner No.1.

8. It is also submitted by the learned counsel for the petitioners that the names of other accused persons are mentioned in the FIR, though, the dispute was between the petitioner No.1 and the first informant.

9. It is also submitted by the learned counsel for the petitioners that the petitioners are ready and willing to cooperate in the investigation.

10. I have considered the submissions at the Bar with circumspection.

11. It is submitted on behalf of the petitioners that the petitioners have appeared before the IO and have cooperated with the investigation. The petitioners have not violated any bail conditions. The petitioners have pledged to cooperate with the remaining part of

investigation.

12. Considering all aspects, the interim pre-arrest bail order dated 25.06.2024, passed by a coordinate Bench of this Court in AB No. 1627/2024 is hereby made absolute under the same terms and conditions.

13. Anticipatory Bail Application stands disposed of.

14. Send back the Case Diary.

JUDGE

Comparing Assistant