

GAHC010126012024



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

Case No. : Bail Appln./1820/2024

RAMEZ ALI
S/O MD. KITAB ALI
R/O VILL- KOYAKUCHI, BHOUKAMARI
P.S. AND DIST. BARPETA, ASSAM
TEMPORARY ADDRESS-
C/O SAHJAHAN ALI
PUTULI RASAL PATH, NAOPARA, P.S. SATGAON, DIST. KAMRUP (METRO),
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. N AHMED

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

18.07.2024

Heard Mr. N. Ahmed, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail to the accused/petitioner, who has been arrested in connection with Noonmati P.S. Case No. 86/2024, under Sections 379/420 of the Indian Penal Code.

It is submitted by Mr. Ahmed, learned counsel for the petitioner, that the accused/petitioner is innocent and he is no way involved in the alleged offence. However, on the basis of statement made by the co-accused Mintu Rahman, he got arrested in connection with this case. The petitioner also sent message to the said Mintu Rahman regarding the withdrawal of money, but he was falsely implicated in this case and since 08.06.2024, he is behind the bar. He further submitted that though the crime was committed by the said Mintu Rahman, but he was released by police and he was not sent for judicial custody. Further he submitted that the wife of the accused/petitioner is also pregnant and considering this aspect of the case, viz-a-viz the length of detention already undergone by the accused/petitioner, he may be released on bail.

In this context, Mr. Borthakur, learned Additional Public Prosecutor, has submitted that there are sufficient incriminating materials against the present

accused/petitioner and the *modus operandi* of the crime committed by the accused/petitioner is also described in the Case Diary. More so, the present accused/petitioner is a habitual offender and against him, 4 (four) numbers of cases are already pending before the Noonmati Police Station, Geeta Nagar Police Station and Dispur Police Station with the similar kind of offence. However, in the case of Geeta Nagar Police Station, the Arms Act is also included. Further Mr. Borthakur has submitted that the other person, namely, Mintu Rahman, was earlier arrested in connection with this case as the message was sent to his mobile number, but during the investigation, it reveals that he is not connected in the alleged offence. Rather, it is the present accused/petitioner who called him for shopping in Dispur Super Market and he asked him to give his mobile number. So, considering this aspect of the case, the police released said Mintu Rahman and he was made as witness in this case.

Considering the submissions made by the learned counsels for both sides and also considering the entire facts and circumstances of this case, materials available in the Case Diary and the conduct of the accused/petitioner, who is a veteran criminal, I find that custodial interrogation of the present accused/petitioner may be necessary to unearth some more facts of the case and hence, I do not find it a fit case to extend the privilege of bail to the present accused/petitioner and accordingly, the same stands rejected.

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

JUDGE

Comparing Assistant