

GAHC010137322024



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

Case No. : AB/1773/2024

HAMIDUL ISLAM
S/O MANIK ALI,
R/O NEAR SAEDUHA PUKHURI, CHAKIAL, NIMONAGARH, P.S.-
MATHURAPUR, DIST.- CHARAIDEO, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM.

Advocate for the Petitioner : MR. J C GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 23.07.2024

Heard Mr. B. Islam, learned counsel for the petitioner and Mr. B. Sarma, learned Addl. Public Prosecutor, Assam, appearing on behalf of the State respondent.

Case diary is received and perused.

Heard both side.

This is an application under Section 438 of the Cr.P.C., seeking pre-arrest bail by the petitioner namely **Hamidul Islam** in connection with Doomdoo P.S. Case No. 61/2024 (Corresponding to G.R. Case No. 291/2024) under Section 379 of the Indian Penal Code, 1860.

It is submitted by Mr. Islam, the learned counsel for the petitioner that the petitioner is innocent and he is in no way connected in the alleged offence. He further submitted that the seized items have been recovered from the possession of one co-accused namely Maharam Ali Laskar and not from the possession of the present petitioner and from the forwarding report, it reveals that the co-accused has confessed before the investigating agency about the crime committed by him. However, he submitted that the investigation has substantially progressed and the prime accused person has already been enlarged on bail from the court below. He further submits that custodial interrogation is not necessary in this case. However, the petitioner is ready and willing to cooperate with the investigation, if the benefit of pre-arrest bail is granted to the petitioner by this court.

In this context, Mr. B. Sarma, the learned Addl. Public Prosecutor has submitted that from the materials available in the case diary, it reveals that the present accused/ petitioner is also responsible for committing theft in the Godown. Some of the articles are stated to be in the possession of the present accused/ petitioner, which are yet to be recovered. He further submits that custodial interrogation is required for investigation of this case to recover the other stolen goods and he raised objection for granting pre-arrest bail.

Considering the submissions of the learned counsel for the parties and

considering the materials available in the case diary, this Court is of the view that granting of pre-arrest bail to the petitioner will adversely affect the investigation in this case. Accordingly, the prayer for interim bail is rejected at this stage.

With the above observations, the bail petition is dismissed.

Return the case diary.

JUDGE

Comparing Assistant