

GAHC010145302024



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

Case No. : AB/1910/2024

MAHAMMAD ALI
S/O LATE SAMIR ALI @ CHAMIR ALI
R/O VILL- SALIKAJHAR
P.S. SIPAJHAR
DIST. DARRANG, ASSAM
PIN- 784148

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S C BISWAS, MR. F A HASSAN, MR. RAJARSHEE DE

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 19-08-2024

Heard Mr. S.C. Biswas, learned counsel for the petitioner Mahammad Ali, who has filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as he is apprehending

arrest in connection with Satgaon Police Station Case No. 104/2024 under Sections 303(2) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegation against the petitioner is that he is involved in removing the informant's TATA 407 pickup vehicle bearing registration No. AS-01-HC-7134 on 08.07.2024 at about 5:22 AM with the aid of recovery crane. This activity was caught in the CCTV footage of a hotel situated below the SBI Narengi Branch.

4. Learned Additional Public Prosecutor has raised serious objection against the prayer for bail stating that there are incriminating materials in the Case Diary against the petitioner.

5. It is submitted on behalf of the petitioner that the petitioner earlier had a business of selling scraps but now the petitioner has stopped selling scraps.

6. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner. The merits of this case are not brought to the fore and the statements of the witnesses are not discussed at this stage as investigation is still under progress. I have considered the submissions that the petitioner is willing to cooperate with the remaining part of the investigation and to abide by any stringent bail conditions if imposed upon him.

7. The petitioner was granted interim bail by a Coordinate Bench of this Court vide order dated 25.07.2024. The petitioner has appeared before the Investigating Officer and his statement has been recorded and it appears that he has cooperated with the investigation.

8. Considering the submissions at the bar, I deem it proper to allow the

petition. Interim bail order dated 25.07.2024 is hereby made absolute under the additional conditions that:

- (i) The petitioner shall appear before the Investigating Officer after every 15th days;
- (ii) The petitioner shall refrain from such activities with which he is alleged; and
- (iii) The petitioner shall not leave the jurisdiction of the Court without prior permission.

9. On breach of any of the bail conditions, bail order shall automatically stand cancelled.

10. In terms of the above observations, this Anticipatory Bail application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant