

GAHC010148022024



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

Case No. : AB/1925/2024

RAHAM ALI
S/O NAZIM UDDIN
R/O VILL- MARICHA, P.O. KAYAKUCHI, P.S. BARPETA,
DIST. BARPETA, ASSAM
PIN-781352

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR A K AZAD,

Advocate for the Respondent : PP, ASSAM,

BEFORE

HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

O R D E R

06.08.2024

Heard Mr. A.K. Azad, learned counsel for the petitioner Raham 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 Abhayapuri Police Station Case No.170/2024 under Sections 331(4)/305(a) Bharatiya Nyaya Sanhita, (B.N.S), 2023.

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

3. The learned Addl. P.P. has submitted that the case diary reveals that the present petitioner had purchased the stolen articles.

4. It is submitted on behalf of the petitioner that the petitioner was not aware that the articles were stolen goods and the petitioner is not involved in house breaking at night and committing theft of goods worth Rs. 2,00,000/-. The prime accused has already been arrested in connection with this case.

5. I have scrutinized the case diary. Investigation has progressed to a considerable extent. It appears that custodial interrogation may not be required. The petitioner is a local resident and he has pledged to cooperate with the investigation.

6. Considering all aspects and in view of my foregoing discussions, petition is allowed. In the event his arrest, the petitioner shall be enlarged on bail on

furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that:

- (i) The petitioner shall appear before the Investigating Officer within 1 (One) week and cooperate with the investigation;
- (ii) The petitioner shall refrain from such activities with which he is apprehending arrest; and
- (iii) The petitioner shall not leave the jurisdiction of the Court without prior permission.

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

8. Accordingly, this anticipatory bail stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant