

GAHC010149972024



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

Case No. : AB/1958/2024

MONOWAR HUSSAIN
S/O KUDDUS ALI, VILL- SHARDARPARA, KRISHNAI, P.S.-KRISHNAI, DIST-
GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N UDDIN, MS. A AKHTAR, MR S K CHHETRY, MR. M
ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

14.08.2024

Heard learned counsel, Mr N Uddin, learned counsel for the petitioner, Monowar Hussain, who has filed this application under Section 482 of the BNSS, 2023, with prayer for pre-arrest bail as he is apprehending arrest in connection with Krishnai PS Case No. 49/2024, under Sections 381/34 of the Indian Penal Code, 1860

2. Heard Mr M P Goswami, learned Additional Public Prosecutor for the State of

Assam/respondent.

3. The learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary, against the petitioner, Monowar Hussain.

4. The FIR unfolds that about one year ago, the informant had taken a room on rent from Robin Islam and used the room as godown. The informant then asked the petitioner to take care of the godown. On 24.06.2024, 10 cartons of mobile parts were transported from Guwahati through bus bearing Registration No. AS-01LC-7431 and was delivered to the Chowkidar of the godown at Malandubi. The petitioner had stored the articles in the godown. Thereafter, several calls were made to the petitioner, but the petitioner did not answer the phone calls. The informant then came to the godown at Malandubi and did not find the articles in the godown. The local people around the godown apprised the informant that there was no incident of theft. The informant then realized that the articles were stolen by the petitioner with the help of the accused No. 2, named in the FIR.

5. It is submitted on behalf of the petitioner that the petitioner does not reside at Malandubi. He had taken custody of the articles, but he was not aware how the articles have disappeared from his godown. As the articles have disappeared strong suspicion rests on the petitioner, but the petitioner is not complicit. He has not committed theft of the articles stored in the godown.

6. I have also scrutinized the Case Diary.

7. There are indeed incriminating materials in the Case Diary against the petitioner.
8. At this juncture, there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner. Hence, the petition stands rejected at this stage.
9. Send back the Case Diary.

JUDGE

Comparing Assistant