

GAHC010154902024



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

Case No. : AB/2013/2024

SHAJAHAN ALI
S/O LATE HELAL DARJI @ HELALUDDIN
R/O VILL- KACHARIPAM
P.S. BOKO
DIST. KAMRUP, ASSAM
PIN- 781123

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. T DEURI, MS. L WANGSA, MS A DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 17-09-2024

Heard Mr. T. Deuri, learned counsel for the petitioner Shajahan Ali, who has filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail he is apprehending arrest in

connection with Boko Police Station Case No. 337/2024 under Sections 305/317(3) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State. Learned Additional Public Prosecutor has raised serious objections stating that there are incriminating materials in the Case Diary against the petitioner. It is submitted that the petitioner's plea that he was not aware that the articles were stolen is not believable.

3. The articles also include temple utensils, electronic wire etc. The allegation against the petitioner is that the stolen articles were found in his scrapyard.

4. It is submitted on behalf of the petitioner that he is the owner of the scrapyard but he is not complicit. He was not aware that stolen articles were stored in his scrapyard.

5. The petitioner has submitted that he is willing to cooperate with the investigation and to abide by any stringent bail conditions if imposed upon him.

6. Considering all aspects and considering the submissions at the bar, I deem it proper to grant pre-arrest bail to the petitioner. The Case Diary reveals that investigation has progressed to a considerable extent. Although there are materials against the petitioner, it appears that custodial interrogation may not be required for the progress of investigation.

7. Petition is allowed.

8. In the event of 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 one week.
 - (ii) The petitioner shall refrain from such activities with which he is alleged.
 - (iii) The petitioner shall appear before the Investigating Officer on every fortnight till completion of investigation.
 - (iv) 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 stands cancelled.
10. In terms of the above observation, this Anticipatory Bail application stands disposed of.
11. Send back the Case Diary.

JUDGE

Comparing Assistant