

GAHC010200422024



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

Case No. : AB/2592/2024

MD. MOFIDUL ALI
S/O MD HAJARAT ALI, R/O VILL- KADAM TENGABOSTI, P.O.-KAKOI, P.S.-
BOGINADI, DIST- LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N HASAN, MR. I K BURAGOHAIN, MR. A HASAN

Advocate for the Respondent : PP, ASSAM,

Linked Case : AB/2074/2024

TASLIMA BEGUM
D/O LT SAIBOR ALI
W/O MD. HAJARAT ALI
R/O KADAM TENGABOSTI

P.O. KAKOI
PS BOGINADI
DIST. LAKHIMPUR
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY LEARNED PP
ASSAM

Advocate for : MR. N HASAN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 06.11.2024

Both the bail applications having arisen out of the same FIR, the same are taken up together for disposal by this common order.

2. Heard Mr. N. Hassan, learned counsel appearing for the petitioners as well as Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State of Assam.

3. Both these bail applications are filed under Section 482 of the BNSS, 2023 praying for grant of pre-arrest bail to the petitioners in respect of Boginadi P.S. Case No. 31/2024.

4. On 29.06.2024 at about mid-night, the present petitioners and some other persons had committed theft in the shop of the informant. The FIR was lodged after 7 days of the said occurrence. The informant named the petitioners and some other persons as the perpetrators of the said offence in the FIR.

5. The learned counsel for the petitioner submits that in the meantime, the petitioner, Taslima Begum has appeared before the Investigating Officer and has co-operated with the police investigation. Therefore, she does not deserve to be detained in custody.

6. I have considered the submissions made by the learned counsels of both sides.

7. Since the petitioner, Taslima Begum has appeared before the Investigating Officer and has co-operated with the police investigation, her anticipatory bail application being AB No.

2074/2024 is allowed.

8. The interim bail granted in favour of the petitioner, Taslima Begum on 09.08.2024 is hereby made absolute.

9. So far as the bail prayer of the petitioner, Mr. Mofidul Ali is concerned, Mr. Kaushik has submitted that the petitioner and other accused are involved in the alleged offence and on the basis of the CCTV footage, they were named in the FIR.

10. The case diary reveals that there are incriminating materials against the petitioner, Mr. Mofidul Ali, Therefore, his anticipatory bail application being AB No. 2592/2024 stands rejected.

11. Both the anticipatory bail applications stand disposed of.

The CD (s) shall be returned.

JUDGE

Comparing Assistant