

GAHC010158192024



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

Case No. : AB/2083/2024

RANA BORAH
S/O SRI BRAZEN BORA,
A RESIDENT OF VILL- MODOICHUK, P.O. MAJULI, BONGAON, P.S.MAJULI,
DIST. MAJULI, ASSAM, PIN- 781550

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S N TAMULI, MS. A BEGUM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 30.08. 2024

1. Heard Mr. S.N. Tamuly, learned counsel for the petitioner, Sri Rana Borah who has filed this anticipatory bail application under Section 482 of BNSS, 2023, with prayer for pre-arrest bail in connection with Demow P. S. Case No. 22/2024 (Corresponding to G.R. Case No. 137 of 2024) under Sections 120B/ 379/ 420/ 34 IPC.

2. Also heard Mr. B.B. Gogoi , learned Addl. Public Prosecutor for the State respondent.

3. The case diary as called for is received and perused.

4. The learned Addl. P.P. has raised objection against the prayer of bail on the ground that there are incriminating materials against the petitioner in the case diary, who has acted as a broker for hiring the Alto K10. It is submitted on behalf of the petitioner that the petitioner is a broker and he was acquainted with Sabbas Ali. The petitioner purchases secondhand vehicle and he has been dealing with such type of vehicles. Sabbas Ali also deals in secondhand vehicles. Jayanta Kumar Kachari purchased the vehicle on loan and the petitioner helped Jayanta Kumar Kachari to sell his vehicle to Sabbas Ali and the petitioner was not aware that the vehicle would be stolen by Sabbas Ali. It is also submitted that the petitioner is not involved in stealing of vehicle. It is admitted that petitioner is a dealer of vehicle of Alto K10 model.

5. I have scrutinized the case diary. I have considered the submissions at the bar with circumspection. Investigation has substantially progressed to a considerable extent.

6. It appears that custodial interrogation may not be necessary for further progress of investigation. The petitioner is willing to cooperate with the investigation..

7. The merits of the case are not brought to the fore. The allegation made against the petitioner is that he is involved in theft of the aforementioned vehicle and he induced the owner to part with the vehicle. He acted in collusion of the other co-accused named in the FIR.

8. In view of my foregoing discussions, bail petition is allowed. Accordingly, it is directed that in the event of arrest of the petitioner named above, he shall be enlarged on pre-arrest bail on furnishing a bond of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority under the following conditions that:-

- (i) the petitioner shall appear before the I.O. within 10 (ten) days from today;
- (ii) the petitioner shall refrain from such activities with which they are alleged and shall not exercise threats to the informant;
- (iii) the petitioner shall cooperate with the remaining part of investigation and shall not jump the bail;
- (iv) the petitioner shall not hamper with the investigation or tamper with the evidence of the case.;
- (v) the petitioner shall not leave the jurisdiction of the court without prior permission.

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

10. The bail application is disposed of.

11. Send back the case diary.

JUDGE

Comparing Assistant