

GAHC010161052024



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

Case No. : AB/2117/2024

TAYEB ALI AND ANR
S/O JAMAN ALI
R/O VILL- CHOUTAKI PART-I, P.O. SALAKATI, P.S. KOKRAJHAR
DIST. KOKRAJHAR, ASSAM

2: SAHAJAMAL ALI
S/O MAGREB ALI
R/O VILL- CHOUTAKI PART-I
P.O. SALAKATI
P.S. KOKRAJHAR
DIST. KOKRAJHAR
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M A MONDAL, MR. A ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 31.08.2024

Heard Mr. M.A. Mondal, learned counsel for the petitioner. Also heard Mr. B.

Sarma, learned Additional Public Prosecutor.

2. This Anticipatory Bail application is preferred by the petitioner Nos. 1 and 2 under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) apprehending arrest in connection with an FIR dated 26.06.2024, which was lodged by the informant one Lt Col Deepak Ranjan Gogoi (Retd.).

3. The said FIR was received and registered as Kokrajhar Police Station Case No.144/2024 under Section 392 of IPC. In the said FIR, it was alleged that an amount of Rs.34,51,816/- (Rupees Thirty Four Lakhs Fifty One Thousand Eight Hundred Sixteen) only in cash which was required to be deposited in the Tengapara, Kokrajhar Branch of Axis Bank by the Cash Executive of the Company namely, Sri Prasenjit Aich, along with Gunman Sri Rajib Ray and the Driver of the Van, Sri Tutan Barman. As the amount was being carried to the bank for being deposited, they were snatched away by two motor cycle riders.

4. During the course of the investigation, 3 (three) persons were taken into custody, namely, the Cash Executive of the Company namely, Prasenjit Aich, the Driver of the Van, Tutan Barman and one Nurul Amin Mandal.

5. The present petitioners apprehend arrest in connection with the alleged offences however, it is submitted that they are not at all connected with the offences alleged.

6. The learned counsel for the petitioners submits that the petitioner No.1 is the owner of the bike, which is alleged to have been involved in the said offence. And the petitioner No.2 is also apprehending arrest for the reasons beyond his comprehension.

7. It is submitted on behalf of both the petitioners that they are not connected with the alleged offences.

8. Case Diary in the matter was called for and Mr. B. Sarma, learned Additional Public Prosecutor has placed the Case Diary before the Court. It is submitted by the learned Additional P.P that subsequently Section 193/120 (B)/395 was added during the course of the investigation.

9. After careful perusal of the Case Diary, it is seen that the matter is still under investigation and charge-sheet has not been filed. During the investigation there are certain materials which are present in the Case Diary, which reflects that the petitioner No.1 not only is the owner of the bike but there are materials which shows his involvement in the alleged conspiracy to illegally snatch the amount of Rs.34,51,816/- (Rupees Thirty Four Lakhs Fifty One Thousand Eight Hundred Sixteen) only belonging to the 'M/s Radiant Cash Management Services Ltd' and which amount was required to be deposited in the Tengapara, Kokrajhar Branch of Axis Bank. Further materials in the Case Diary reveal that there are cash shares paid to the petitioner No.1 for being the owner of the bike involved the alleged offence. There are materials to show that the petitioner No.2 was one of the riders on the bike who is allegedly involved in the snatching of the bag containing the said amount.

10. Considering the stage of investigation and the incriminating materials available in the Case Diary which clearly implicates the petitioners, the prayer for Anticipatory Bail at this stage stands rejected.

11. This Anticipatory Bail is accordingly stands disposed of.

12. Case Diary be returned.

JUDGE

Comparing Assistant