

GAHC010168072024



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

Case No. : Bail Appln./2462/2024

ABDUL BAREK
S/O SIDDIQUE ALI
RESIDENT OF VILLAGE KATLAMARI RIVER BLOCK, PS FAKIRGANJ, DIST
DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MD IMRAN, MD R ISLAM, MR. S RAHMAN, MS F HUSSAIN, MR
S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

19.08.2024

1. Heard Mr. S. M. Abdullah P, learned counsel for the petitioner Abdul Barek.
2. The petitioner has filed this application under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since

09.08.2024 in connection with Basistha Police Station Case No. 563/2024 corresponding to GR No. 4135/2024 under Sections 334(1)/305(A) of the BNS.

3. Heard Mr. R. R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

4. The FIR unfolds that in the morning of 02.08.2024, at around 6 a.m., the informant received information that there was a theft in his factory situated at Beharbari, Ward No. 27, AG Colony. When the informant reached the spot, he found that cash of Rs. 7 lacs was missing from the almirah which was broken and immediately the police was informed.

5. It is submitted on behalf of the petitioner that the money which was missing was already seized from one, Bimal Shah which is also reflected in the FIR. It is also submitted that the money has already been recovered.

6. It appears that investigation may have presumably progressed to a certain extent. The petitioner is willing to cooperate with the remaining part of the investigation. The petitioner is a local resident and he is not a flight risk.

7. I have also considered the submission that further custodial detention may not be required for the progress of investigation.

8. In view of my foregoing discussions, petition is allowed. 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 learned CJM, Kamrup, (M) under the conditions that:

(i) The petitioner shall refrain from such activities with which he is alleged,

(ii) The petitioner shall appear before the

Investigating Officer every fortnight till completion of the investigation, and

(iii) 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 stand automatically cancelled.

JUDGE

Comparing Assistant