

GAHC010171772024



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

Case No. : AB/2236/2024

JAHANGIR ALOM
S/O SURMAN ALI
VILL- KATHURI
P.O. RAJMITA
P.S. LAKHIPUR
DIST. GOALPARA, ASSAM
PRESENT R/O VILL- NIDANPUR
P.O. AND P.S. LAKHIPUR
DIST. GOALPARA, ASSAM
PIN-783129

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M I HUSSAIN, N. UDDIN, MR. R ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

17.09.2024

Heard learned counsel, Mr M I Hussain, for the petitioner, Jahangir Alom, who has filed this application under Section 482 of the BNSS, 2023, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Lakhipur PS Case No. 110/2024,

under Sections 341/342/392/386/413/506 of the Indian Penal Code, 1860.

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

3. The allegation against the petitioner is that he has robbed the informant who was transporting 60 bags of supari in his vehicle. The petitioner along with his companions with their face covered took the informant and his driver to some secret place and thereafter, looted Rs.20,000/- (Rupees Twenty Thousand) from the informant and his companion along with two mobile phones and supari of the informant and his companion.

4. An FIR was lodged by the informant and investigation commenced. During investigation, the looted supari, which had their seal were recovered from Saiful Islam's possession. The informant recognized the supari from the seal put by him on the brown bags of suparis and during investigation it was unearthed that the present petitioner is the miscreant who committed the robbery and handed over the supari to Saiful Islam, who deals in supari.

5. The learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioner. There are no subsequent conditions emerging to grant bail on a subsequent petition filed by the petitioner.

5. I have also scrutinized the Case Diary.

6. Indeed there are incriminating materials in the Case Diary against the petitioner.

7. I have considered the role attributed to the petitioner and the gravity of the offence.

At this juncture, there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner.

8. Petition is rejected.

9. Send back the Case Diary.

JUDGE

Comparing Assistant