

GAHC010182172024



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

Case No. : AB/2374/2024

SONABOR ALI
S/O ALIMUDDIN
VILL- KURIHAMARI
P.S. SIALMARI
DIST. NALBARI, ASSAM
PIN-781126

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. J A AHMED, MR. K M HASSAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

17.09.2024

Heard learned counsel, Mr J A Ahmed, for the petitioner, Sonabor Ali, 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 Geetanagar PS Case No. 144/2024, under Sections 303(2) of the BNS, 2023.

2. Heard Mr R R Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.
3. The allegation against the petitioner is that he is involved in theft of telecom equipments from the house of the informant.
4. The learned Additional Public Prosecutor has raised objection stating that there are incriminating materials in the Case Diary against the petitioner.
5. The petitioner has purchased the stolen articles.
6. I have scrutinized the Case Diary.
7. Indeed there are incriminating materials in the Case Diary against the petitioner.
8. I have considered the submission for bail on the ground of parity, as co-accused have been arrested and released on bail.
9. The Case Diary also reveals that investigation has progressed to a considerable extent.
10. It appears that custodial interrogation may not be required.
11. Considering all aspects and in view of my foregoing discussions, petition is allowed. In the event of his arrest, the petitioner shall be enlarged on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand Only), with a suitable surety of like amount to the satisfaction of the arresting authority, under the conditions that:
 - i) the petitioner shall appear before the IO within one week and

cooperate with the investigation,

- ii) the petitioner shall appear before the IO on every fortnight, till completion of investigation,
- iii) the petitioner shall refrain from such activities with which he is alleged, and
- iv) the petitioner shall not leave the jurisdiction of the Court, without prior permission, till completion of investigation.

11.1. On breach of any of the bail conditions, bail order shall stand automatically cancelled.

12. Anticipatory Bail Application stands disposed of.

13. Send back the Case Diary.

JUDGE

Comparing Assistant