

GAHC010194802024



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

Case No. : Bail Appln./2867/2024

REJAUL KARIM AHMED
S/O LATE SHAH JAMAN AHMED
R/O NO. 2 MONAKOCHA
P.S. PANBARI
DIST. CHIRANG, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP BY PP, ASSAM

Advocate for the Petitioner : MR. A AHMED, MR. M H ALI, MR. I U CHOWDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 03-10-2024

Heard Mr. A. Ahmed, learned counsel for the petitioner Rejaul Karim Ahmed, who has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 11.09.2024 in connection with Bijni P.S. Case No.117/2024 under Sections

334(1)/305/326(g)/3(5) of BNS R/w Section 4 of the Prevention of Damage to Public Property Act, 1984.

2. Heard Mr. D. Das, learned Additional Public Prosecutor, Assam.

3. Learned Additional Public Prosecutor has raised serious objection stating that the petitioner is hand in glove with all the accused who have rampantly looted several ATMs throughout the entire State of Assam. The FIR unfolds that an SBI ATM was installed near Bijni Lakhi Mandir. On the night of 23.08.2024 at about 1.30 am, there was theft, which caused loss of Rs.28,39,500/- and loss of asset of Rs.3,00,000/- (Rupees three lakhs). It is submitted that the petitioner booked tickets for the accused, who have looted the ATMs with the help of a gas cutter. The accused for whom the petitioner has booked tickets are directly involved in looting several ATMs. It is submitted on behalf of the petitioner that the ground of arrest clearly reveals that the petitioner has booked tickets after verification of the Adhar Card, ID Proof, Mobile Number of the miscreants. The petitioner is not at all involved in damaging the ATMs and looting the ATMs.

4. I have scrutinized The Case Diary and there are incriminating materials against the petitioner in the case diary. But it appears that custodial detention may not be required for further progress of investigation.

5. As the investigation has progressed to a considerable extent, I deem it proper to grant bail to the petitioner. The petitioner is enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of the like amount to the satisfaction of the learned SDJM, Bijni, Chirang under the conditions that :

(i) the petitioner shall appear before the Investigating Officer on every

fortnight till completion of investigation,

(ii) the petitioner shall refrain from such activities with which he alleged;

(iii) the petitioner shall not leave jurisdiction of the Court without prior permission.

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

7. In terms of the above observation, this Bail Application stands disposed of.

8. Send back the Case Diary.

JUDGE

Comparing Assistant