

GAHC010194842024



2024:GAU-AS:11612

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

Case No. : AB/2483/2024

BADSHA MIA
S/O JOPA KHATUN
VILL- GHORAMARA PATHER,
P.S. GOROIMARI
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A ALI, MR. Y ALI

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

25.11.2024

Heard Mr. A Ali, learned counsel for the petitioner and Ms S H Bora, learned Additional Public Prosecutor, Assam for the State.

2) By this application filed under Section 482 BNSS, 2023, the petitioner, namely, **Badsha Miya**, son of Jopa Khatun, resident of village Ghoramara Pather, P.S.-Goroimari, District-Kamrup (Metro), has prayed for his bail in **Hatigaon Police Station Case No. 192/2024** corresponding to GR No.5075/2024 registered under Section 303(2) BNS, 2023.

3) While this interim bail application was moved, the Court by order dated 19.09.2024 called for the case diary and granted interim bail to the petitioner in said Hatigaon P.S. Case No. 192/2024, pursuant to which, the petitioner appeared before the concerned Investigating Officer of said Hatigaon P.S. Case No. 192/2024 and his statement was recorded on 08.09.2024 by the concerned Investigating Officer of the said case.

4) Matter relates to theft of electrical items like RRU (Remote Radio Unit) from various mobile towers of JIO, thereby disrupting the network connections of JIO.

5) Ms. Bora, learned Additional Public Prosecutor, Assam has placed the relevant case diary pertaining to Hatigaon P.S. Case No. 192/2024 as called for by the Court vide order dated 19.09.2024.

6) From the case diary, it is seen that 5/6 accused persons of the case have already been arrested in the said case and all of them have implicated the petitioner pertaining to his involvement in the case and also deposed that the petitioner is involved in transportation and selling of stolen RRU's, both within and outside the State.

7) Case diary indicates that the petitioner with other arrested accused persons of the case are involved in an organised crime where the petitioner is one of the prime accused of the case in the theft of and selling such stolen electrical items of mobile towers as well as its transportation to various places, both within and outside the State.

8) During the deliberation of the matter, Mr. K K Parashar, learned Additional Public Prosecutor, Assam also brought it to the notice of the Court that in an another case of Hatigaon Police Station being Hatigaon P.S. Case No. 150/2024 relating to theft of RRH (Remote Radio Head) and SFFP (Small Form-factor Pluggable) from JIO mobile towers within the State, all the arrested accused persons implicated the petitioner herein in his involvement of stealing and selling of such electrical items of mobile towers and also in transportation of those stolen items to other States.

9) Case diary indicates that the RRUs, which were stolen from various mobile towers, have not yet been recovered.

10) Finding such incriminating materials in the case diary regarding the involvement of the petitioner in the alleged crime, the Court is of the view that it is not a fit case to grant pre-arrest bail the petitioner, namely, **Badsha Miya**, in said Hatigaon P.S. Case No. 192/2024.

11) Accordingly, this anticipatory bail application of the petitioner, namely, **Badsha Miya**, son of Jopa Khatun, in said Hatigaon P.S. Case No. 192/2024 stands rejected.

12) The interim bail granted to the petitioner earlier on 19.09.2024 by the Court in said Hatigaon P.S. Case No.192/2024 hereby stands vacated/recalled.

13) Return the case diary herewith.

JUDGE

Comparing Assistant