

GAHC010195492023



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

Case No. : AB/3085/2023

SAHAB UDDIN
S/O MOIJUL HAQUE,
VILL.- DABOKA TOWN, WARD NO. 10, P.S.- DABOKA, DIST.- NAGAON,
ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY THE PUBLIC PROSECUTORS.

Advocate for the Petitioner : MR. M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

08.01.2024

Heard Mr. I.H. Laskar, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under Section 438 Cr.P.C. is preferred by the applicant, namely,

Sahab Uddin, who has been apprehending arrest in connection with Baithalangso P.S. Case No.22/2023, under Section 457/380 of the IPC, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Longki Timung on 22.03.2023. The essence of allegation made in the aforesaid FIR is that on 22.03.2023 at about 1:00 a.m. some unknown persons have committed theft of one 300 AH HBL battery bank from the BTS Tower located at Bithung Saponi village.

4. Mr. Laskar, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant vide order dated 12.09.2023 and pursuant to the said order, while he went to the P.S. to appear before the I.O., then he came to know that after completion of investigation the I.O. has submitted charge-sheet, being Charge-Sheet No.50/2023 under Section 457/380 IPC against some other person and also against his father, but he has not been forwarded in the said charge-sheet and as such, he has the instruction to withdraw this application.

5. Accordingly, the prayer of Mr. Laskar is allowed. This anticipatory bail application stands disposed of on withdrawal.

Sd/- Robin Phukan
JUDGE

Comparing Assistant