

GAHC010198892024



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

Case No. : AB/2553/2024

JAKIR HUSSAIN
S/O JAMIR ALI
R/O VILL- PACHANIAPARA ISLAMPUR
P.S. AZARA
DIST. KAMRUP (M), ASSAM
PIN-781015

VERSUS

THE STATE OF ASSAM
REP BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MR. M U AHMED,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 03-10-2024

Heard Mr. M.U. Ahmed, learned counsel for the petitioner namely Jakir Hussain, who has filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as he is apprehending arrest

in connection with Palashbari P.S. Case No.253/2024 under Sections 303(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr. M.P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

3. I have considered the submissions at the Bar. The allegation against the petitioner is that he committed theft of wheat loaded in the truck bearing registration No.AS-01-DD-8863. While taking the truck to its destination, the petitioner had sold the goods to another person and also accepted consideration for the goods.

4. Learned counsel for the petitioner has submitted that the petitioner will cooperate with the investigation. He has been serving as driver throughout his life. The petitioner will abide by the bail conditions, if imposed by the Court.

5. Learned Additional Public Prosecutor has raised serious objection in granting anticipatory bail to the petitioner.

6. I have scrutinized the case diary. The investigation of the case has progressed to a considerable extent. However, it appears that custodial interrogation may not be required.

7. Accordingly in the event of his arrest, the petitioner shall be enlarged on bail on furnishing a bail bond of *Rs.30,000/- (Rupees Thirty Thousand)* 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 Investigating Officer within one week from today and cooperate with the investigation.

(ii) the petitioner shall appear before the Investigating Officer on every fortnight till completion of investigation,

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

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

9. The matter stands disposed of.

10. Send back the case diary.

JUDGE

Comparing Assistant