

GAHC010218792024



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

Case No. : Bail Appln./3196/2024

ABDUL AZIZ
S/O- ABDUL BAREK, R/O- VILL- KALYANPUR, P.S. BAGUAN, DIST.
GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR. S ISLAM, MR A HAWARI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 25.10.2024

Heard Mr. S. Islam, learned counsel appearing for the petitioner and Mr. R.J. Baruah, learned Additional Public Prosecutor appearing for the state of Assam.

2. This is an application under Section 483 of the BNSS, 2023 praying for releasing the petitioner, Abdul Aziz on bail, after he was arrested in connection with Hatigaon P.S. Case No.184/2024 under Sections 406/420 of the Indian Penal Code.

3. The informant Yusuf Ali had purchased a truck being financed by a finance company.

During subsistence of the agreement with the finance company, Yusuf Ali could not pay the installment. Therefore, he sold the vehicle to Anowar Hussain, who agreed to pay the instalment. Therefore, Anowar Hussain sold the vehicle to another person. In this way, the vehicle came to the possession of the petitioner as scrap. He purchased the said vehicle as scrapped and sold it to the dealer at a price of Rs. 1,45,000/-.

4. In the meantime, the finance company was putting pressure to Yusuf Ali. Therefore, Yusuf Ali lodged the FIR alleging the aforesaid facts.

5. Mr. Baruah has submitted that the vehicle is yet to be recovered by police.

6. Mr. Islam submits that the present petitioner being the last purchaser of the vehicle has nothing to do with the aforesaid fact as alleged by Yusuf Ali.

7. After hearing the learned counsels of both sides, this Court has decided to agree with the petitioner.

8. The petitioner has already spent 42 days in custody.

9. This Court is of the opinion that the petitioner no longer deserve to be detained in custody. Therefore, his bail application is allowed.

10. It is hereby directed that the petitioner, Abdul Aziz, who was arrested in connection with Hatigaon P.S. Case No.184/2024 shall be released on bail of Rs. 20,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati.

11. This bail application stands disposed of accordingly.

The CD shall be returned.

JUDGE

Comparing Assistant