

GAHC010221462024



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

Case No. : Bail Appln./3238/2024

JALIM UDDIN @ JAMAL UDDIN
S/O ALI HUSSAIN
R/O SATRAKANARA
P.O. STRAKANARA, P.S. BAGHBAR
DIST. BARPETA, ASSAM
PIN-781308

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. R ALI, MR. R ISLAM, MR H A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

28-11-2024

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

2. The petitioner, namely, **Md. Jalim Uddin @ Jamal Uddin**, son of Ali Hussain, resident of Village-Satrankanara, Police Station-Baghbar, District-Barpeta has filed this application under Section 483 BNSS, 2023, praying for his release on bail in Azara Police Station Case No. 203/2024 registered under Sections 303(2)/316(3) BNS, corresponding to G.R. No.

5900/2024, in which he was arrested on 07.10.2024 and is in custody since then.

3. As per the FIR dated 02.10.2024 lodged by the complainant, the case is that he took certain goods to be carried to Agartala through Road Share Network Private Limited on 27.09.2024 that were being carried by a truck bearing Registration No. AS-28-AC-1469. However, the said truck with the goods did not reach Agartala. Later, when he enquired on 30.09.2024 as to whether the goods reached Agartala or not from the Agartala office of the Road Share Network Private Ltd., he came to know that the goods sent on 27.09.2024 did not reach Agartala.

4. Accordingly, said FIR dated 02.10.2024 was registered as Azara Police Station Case No. 203/2024 under Sections 303(2)/316(3) BNS, corresponding to G.R. No. 5900/2024.

5. Police after enquiring into the matter, on 07.10.2024 arrested the present petitioner along with three others and since then he is in custody.

6. Perused the case diary placed before the Court today by Ms. S H Bora, learned APP, Assam.

7. Case diary reveals that the petitioner helped the main accused persons of the case in taking away the goods sent in the said truck bearing Registration No. AS-28-AC-1469 and stored in an unknown place. The said truck was diverted to a place in Hajo/Barpeta district while it was on its way to Agartala and after taking away the goods from the said truck, those were sold in a place known to the main accused persons of the case, who later sold the entire goods of the truck.

8. Case diary also reveals that two of the main accused persons of the case are yet to be apprehended, who are the mastermind of the case in hand.

9. Considering the above and the period of his detention since 07.10.2024 in said Azara Police Station Case No. 203/2024, this Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Azara Police Station Case No. 203/2024. As such, this bail application is accepted.

10. Accordingly, the petitioner, namely, **Md. Jalim Uddin @ Jamal Uddin**, be released on bail in said Azara Police Station Case No. 203/2024, on furnishing bail bond of Rs. 50,000/-

with two local sureties each of the like amount, one of which shall be a Government employee, either State or Central Government, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro) on conditions that the petitioner —

- (i) shall appear before the concerned Investigating Officer of said Azara P.S. Case No. 203/2024, as and when he is required for necessary investigation of the said case;
- (ii) Shall surrender his passport, if any, before the learned Chief Judicial Magistrate, Kamrup (Metro) on or before 08.12.2024.
- (iii) shall not leave the territorial jurisdiction of Azara Police Station without obtaining prior written permission from the concerned I.O. of the case;
- (iv) shall not hamper or tamper with the evidence of the case;
- (v) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court and
- (vi) shall not involve himself in any criminal activities.

11. Any violation of the aforesaid terms and conditions by the petitioner, namely, **Md. Jalim Uddin @ Jamal Uddin**, the bail granted to him in said Azara P.S. Case No. 203/2024 shall stand automatically vacated.

12. With the above observations and directions, this bail application accordingly stands disposed of.

13. Return the case diary.

JUDGE

Comparing Assistant