

GAHC010224782024



2024:GAU-AS:11382

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

**Case No. : AB/2848/2024**

ABDUL ALI AND ANR  
S/O ABUL ALI, R/O VILL- MADHAPUR, MOROWA, P.S.-MUKALMUA, DIST-  
NALBARI, ASSAM

2: MD JEHERUL ISLAM  
S/O NURUL HAQUE  
R/O VILL- MADHAPUR  
MOROWA  
P.S.-MUKALMUA  
DIST- NALBARI  
ASSA

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR. U K BARMAN, MR. R KONWAR, MR D PEGU, MR H ALI

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**

**HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**ORDER**

**20.11.2024**

Heard learned counsel, Mr H Ali for the petitioners, 1) Abdul Ali and 2) Md Jeherul

Islam, who have filed this application under Section 482 of the BNSS, 2023, with prayer for pre-arrest bail, as they are apprehending arrest in connection with Teok PS Case No. 79/2024, under Section 316(5) of the BNS, 2023.

2. Heard Mr K Baishya, learned Additional Public Prosecutor, Assam for the respondent State, who has raised serious objection stating that there is a huge racket and the stolen scrap batteries were tracked down from Teok up to Nalbari. The petitioners deal with scrap batteries and they have a shop as partners in Nalbari, selling such materials.

3. The learned Additional Public Prosecutor has further submitted that investigation may be adversely affected if the petitioners are admitted to bail.

4. I have also scrutinized the Case Diary.

5. There are indeed incriminating materials against the petitioners in the Case Diary and the petitioners may have been complicit.

6. I have considered the progress of investigation which has progressed substantially.

7. It appears that anticipatory bail may be granted to the petitioners.

9. Considering all aspects, petition is allowed. In the event of their arrest, the petitioners shall be enlarged on bail on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand Only) each, with a suitable surety of like amount to the satisfaction of the arresting authority, under the conditions that:

- i) the petitioners shall appear before the IO within one week and cooperate with the investigation,
- ii) the petitioners shall refrain from such activities with which they are alleged,
- iii) the petitioners shall appear before the IO on every fortnight, till completion of investigation,
- iv) the petitioners shall not exercise threats to the witnesses or tamper with the evidence,
- v) the petitioners shall not leave the jurisdiction of the Court, without prior permission.

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

10. Anticipatory Bail Application stands disposed of.

11. Send back the Case Diary.

**JUDGE**

**Comparing Assistant**