

GAHC010226842023



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

**Case No. : AB/3447/2023**

SHAHINUR RAHMAN  
S/O ABDUS SATTAR AHMED  
R/O VILL- AMBARI SHOULIA,  
P.S. SOUTH SALMARA,  
DIST. SOUTH SALMARA MANKACHAR, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. M AHMED**

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

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 07.02.2024**

Heard Mr. M. Ahmed, learned counsel for the applicant. Also heard Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with South Salmara P.S. Case No. 272/2023, under Section 379 of the IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Shahinur Rahman, for grant of pre-arrest bail.
3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by Pramod Kumar Singh, Security In-charge, L&T Dhubri Phulbari Bridge on 06.09.2023. The essence of allegation made in the FIR dated 06.09.2023, is that on 27.07.2023, one Rokibul Islam and Shahinur Rahman had stolen 72 numbers of wheels of crane of L&T company and out of the 72 numbers of wheels, returned 11 numbers of wheels on 18.08.2023, and they have not returned the remaining 61 numbers of wheels, the value of which is Rs. 42,70,000/-.
4. Mr. Ahmed, learned counsel for the applicant submits that the applicant had been granted the privilege of interim pre-arrest bail, vide order dated 12.12.2023 and pursuant to the said order, he had also appeared before the I.O. and he has been cooperating with the investigating agency, and a contention is being made to make the interim order dated 12.12.2023 absolute in the same terms and conditions.
5. On the other hand, Mr. Baruah, the learned Addl. Public Prosecutor submits that he has not received the case diary and as per his instruction, the I.O. has laid charge-sheet being charge-sheet No.255/2023 dated 23.12.2023, under Section 379 of the IPC.
6. In view of the above, this Court is inclined to dispose of this application by directing the applicant to appear before the learned Court below on or before 23.02.2024 and to apply for regular bail and in the event of such an application, the learned Court below shall consider the same in accordance with law.

7. Till then, interim order dated 12.12.2023 shall stand extended.

**JUDGE**

**Comparing Assistant**