

GAHC010227732024



2024:GAU-AS:11365

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

Case No. : AB/2892/2024

KALASAN ALI
S/O BODIT JAMAL
VIL- DUDHNATH PAHAR
P.S. CHAPAR
DIST. DHUBRI, ASSAM
PIN-783371

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M U MONDAL, MD. I H KHAN, MS. N NASRIN, MR A ALIM SK

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

21-11-2024

Heard Mr. M U Mondal, learned counsel for the petitioner and Ms. S H Bora, learned Additional Public Prosecutor, Assam for the State.

2. By this application under Section 482 of the BNSS, 2023, the petitioner, namely, **Kalasan**

Ali, son of Bodit Jamal, resident of village-Dudhnath Pahar, P.S.-Chapar, District-Dhubri, apprehending his arrest, is seeking pre-arrest bail in **Garchuk Police Station Case No. 259/2024**, registered under Sections 61(2)/318(4)/316(2)/303(2) of the BNS, 2023, corresponding to G.R. No. 4952/2024.

3. As per the FIR dated 22.08.2024, on 19.08.2024 M/s Assam Road Kings transported (i) 200 Nos. of Exide Batteries with necessary invoice valued at Rs. 14,46,178.52/-, (ii) 94 Nos. of Exide Batteries by another invoice valued at Rs. 8,48,032.97/- and (iii) 98 Nos. of Exide Batteries with another invoice valued at Rs. 6,87,693.98/- from the Exide Industries Limited warehouse located at Nezone campus, Boragaon vide Challans dated 19.08.2024 of Assam Road Kings and Kartos Logistics & Distribution Limited to New Auto Spark Works, Bongaigaon through a Truck bearing Registration No. AS-27-C-7853. However, on being enquired, as those batteries did not reach Bongaigaon, the informant lodged the FIR, stating that the said truck was managed by the transport broker Nur Islam Sheikh and though the driver of the truck Rafijul Sheikh was tried to be contacted, but his phone was found switched off.

4. Accordingly, Garchuk Police Station Case No. 259/2024 was registered under Sections 61(2)/318(4)/316(2)/303(2) of the BNS, 2023, corresponding to G.R. No. 4952/2024

6. Perused the case diary placed before the Court today by Ms. S H Bora, learned APP, Assam that was called for by the Court on 04.11.2024.

7. Case Diary reveals that the driver of the said truck bearing Registration No. AS-27-C-7853 along with another, unloaded all the batteries in the house of one Abdul Khalek of Boragiria Gaon, who was arrested in the case.

8. Case diary indicates that arrested accused persons of the case indicated that the petitioner along with another drove away the said empty truck Registration No. AS-27-C-7853 from the residence of said arrested accused Abdul Khalek.

9. Considering the materials in the case diary, this Court is of the opinion that custodial detention of the petitioner is not warranted to investigate said Garchuk Police Station Case No. 259/2024. As such, this pre-arrest bail application is accepted.

10. Accordingly, it is provided that in the event of arrest of the petitioner, namely, **Kalasan Ali**, in said Garchuk Police Station Case No. 259/2024, corresponding to G.R. No. 4952/2024, he shall

be released on bail on furnishing bail bond of Rs. 40,000/-, 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 arresting authority, subject to the conditions that the petitioner, named above —

- i)** shall appear before the concerned Investigating Officer of said Garchuk Police Station Case No. 259/2024 **on or before 27.11.2024** and thereafter, as and when he is required for necessary investigation of the case;
- ii)** shall not leave the territorial jurisdiction of Garchuk Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case;
- iii)** shall not hamper with the investigation, or tamper with the evidence of the case;
- iv)** 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 or to any police officer and;
- v)** shall not involve himself in any criminal activities in future.

11. Any violation of the aforesaid terms and conditions by the petitioner, namely, **Kalasan Ali**, the pre-arrest bail granted to him in said Garchuk Police Station Case No. 259/2024 shall stand automatically vacated.

12. This pre-arrest bail application accordingly stands allowed.

13. Return the Case Diary herewith.

JUDGE

Comparing Assistant