

GAHC010230872024



2024:GAU-AS:12209

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

Case No. : Bail Appln./3379/2024

RINA BEGUM AND ANR
W/O LATE RAJU ALI
R/O RAILWAY GATE NO. 06,
HOUSE NO. 4,
NEAR MASJID
P.S. JALUKBARI
DIST. KAMRUP (M), ASSAM

2: NIZAM UDDIN
S/O MD. ALEK CHAN
R/O GUTIPARA
P.S. BILASIPARA
DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. C K NATH, MR. AJAY SARMA, MR. S MUNIR

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

03.12.2024

Heard Mr. S Munir, learned counsel for the petitioners and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State.

2) By this application filed under Section 483 BNSS, 2023, the petitioners, namely, **(i) Rina Begum**, wife of late Raju Ali, resident of Railway Gate No.06, , Police Station- Jalukbari, District-Kamrup (M) and **(ii) Nizam Uddin**, son of Md. Alek Chan, resident of Gutipara, P.S.-Bilasipara, District-Dhubri, have prayed for their bail in **Jalukbari Police Station Case No. 530/2024** registered under Sections 331(4)/305 BNS, 2023, corresponding to GR No.6215/24, in which they were arrested on 24.10.2024 and are in custody since then.

3) As per the FIR dated 20.10.2024 lodged before the Officer-in-Charge of Jalukbari Police Station by the complainant/informant, the case is that the complainant/informant is a resident of Pandu College Gate near Ramkrishna Mission under Jalukbari Police Station of Kamrup (Metro) district and on 19.10.2024, when the complainant was not at home and went to Bongaigaon to pick up his wife, some strangers entered into his house, broke the godrej lock and stole highly valued gold ornaments, laptops and cash from his house.

4) Accordingly, Jalukbari P.S. Case No. 530/2024 under Sections 331(4)/305 BNS, 2023, corresponding to G.R. No. 6215/24 was registered.

5) Case diary is placed before the Court today by Mr. K K Parashar, learned APP, Assam.

6) From the perusal of the case diary, it is seen that the petitioners are involved in purchasing of stolen gold ornaments and other highly valued stolen items and they used to employ certain expert thieves in the city of Guwahati, who would steal such ornaments, electrical items and cash from the households of the people, in absence of any persons inside it.

7) Case diary also indicates that the petitioners used to purchase those stolen highly

valued goods at a cheaper rate and then sell those goods at higher rates, giving certain percentage of the profit to the thieves, so employed by the petitioners for the said purpose.

8) Case diary also reveals that the petitioners have indicated some of the thieves, employed by them for the said purpose, but, they neither provided the address of those thieves nor identified anyone of them.

9) Finding such incriminating materials in the case diary regarding the involvement of the petitioners in the alleged crime, the Court is of the view that the custodial detention of the petitioners, namely, **(i) Rina Begum** and **(ii) Nizam Uddin**, since 24.10.2024, cannot be considered for their bail in said Jalukbari P.S. Case No. 530/2024.

10) Accordingly, this bail application of the petitioners, named above, in said Jalukbari P.S. Case No. 530/2024 stands rejected.

11) Return the case diary herewith.

JUDGE

Comparing Assistant