

GAHC010232492024



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

Case No. : Bail Appln./3400/2024

ABDUL ALI
S/O LATE JUBBAR ALI, R/O VILL- DOLOR PATHAR, P.S.-PATACHARKUCHI,
DIST- BAJALI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M KHAN, MS J AKTAR, MR A K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

13/11/2024

Heard Mr. M Khan, learned counsel for the petitioner and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State respondent.

2. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the petitioner, namely, **Abdul Ali**, son of Late Jubbar Ali, resident of Village-Dolor Pathar, P.S. Patacharkuchi, District-Bajali, seeking bail in **Manikpur P.S. Case No. 118/2024** registered under

Sections 331(3)/334/317(4)/303(2)/324(2)/111 of the BNS, 2023 read with Section 3 of the Prevention of Damage to Public Property Act, 1984 corresponding to G.R. No. 491/2024, wherein he was arrested on 14.09.2024 and is in custody since then.

3. As per the FIR dated 23.08.2024, the case is that the NCR Corporation India Limited, in which the informant/complainant is serving, is an authorized entity on behalf of the State Bank of India for installation, maintenance and daily operation of the ATM's in the entire Northern States. On 23.08.2024, in the early morning around 1:00 AM, some unknown culprits had cut the ATM at Patiladaha and taken away cash amount of Rs.18,26,300/- and thereby also lost an asset amounting to Rs.3,00,000/-.

4. Perused the case diary placed before the Court today by Mr. Parashar, learned Additional Public Prosecutor, Assam.

5. It is seen that the concerned ATM at Patiladaha of the State Bank of India was broken by Gas Cutter and the aforesaid amount was looted from the said ATM.

6. Case diary also indicates that the petitioner came to the bank to deposit a certain amount of money containing denominations of Rs.500/-, which were partially burnt. As such, the bank did not accept the said amount. Police on coming to know about it had the suspicion that the petitioner is involved in said looting of ATMs of Patiladaha. Police searched his residence and found Rs.77,500/-. Out of the total cash amount of Rs.77,500/- recovered from the possession of the petitioner, 155 nos. of Rs.500 denominations were found partially burnt. As such, the petitioner was arrested on 14.09.2024 with suspicion that he is involved in said Manikpur P.S. Case No. 118/2024 and is in custody since then.

7. Considering the materials available in the case diary, this Court is of the view that further custodial detention of the petitioner, named above, is not warranted to investigate the said Manikpur P.S. Case No. 118/2024. As such, this bail application of the petitioner in said Manikpur P.S. Case is accepted.

8. Accordingly, the petitioner, namely, **Abdul Ali**, be released on bail in said **Manikpur P.S. Case No. 118/2024** registered under Sections 331(3)/334/317(4)/303(2)/324(2)/111 of the BNS, 2023 read with Section 3 of the Prevention of Damage to Public Property Act, 1984 corresponding to G.R. No. 491/2024, on furnishing a bail bond of Rs.50,000/- with 2 (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, Bongaigaon, on conditions that the petitioner – (i) shall appear before the Investigating Officer of said Manikpur P.S. Case No. 118/2024, as and when he is required for necessary investigation of the case; (ii) shall not leave the territorial jurisdiction of Manikpur 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, failing which, the bail granted to him in said Manikpur P.S. Case No. 118/2024 shall stand automatically vacated.

9. Bail application accordingly stands allowed to the extent above.

10. Return the case diary.

JUDGE

Comparing Assistant