

GAHC010234252024



2024:GAU-AS:12211

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

Case No. : AB/2969/2024

SALAM AHMED@ ASHIQUE AHMED
S/O HAKIK AHMED
A RESIDENT OF CHAULKHOWA, DIBRUGARH, P.O. LAHUAL,P.S.
DIBRUGARH, DIST. DIBRUGARH, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR. M A I HUSSAIN, MR. NOOR KUTUB ALAM,MR. S. ALOM

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

03/12/2024

Heard Mr. M A I Hussain, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

2. The petitioner, namely, **Salam Ahmed @ Ashique Ahmed**, son of Hakik Ahmed, resident of Chaulkhowa, Dibrugarh, P.S. Dibrugarh, District-Dibrugarh, has filed this application under Section 482 of BNSS, 2023, seeking pre-arrest bail apprehending his arrest in **Dibrugarh P.S. Case No.**

391/2024 registered under Sections 406/420 IPC corresponding to G.R. No. 1108/2024.

3. As per the FIR of the case lodged by the complainant on 29.09.2024 before the Officer-in-Charge of Dibrugarh Police Station, the allegation against the accused persons of the case is that one Rofiquil Hussain purchased an Alto XI vehicle bearing registration No. AS-06-AH-8503 that was in the name of her husband. As there was difficulty in payment of EMIs to the financing authority, an agreement was executed between one of the accused persons, namely, Rofiquil Hussain on 05.01.2024 at the time of selling of the said Alto XI vehicle that he will pay the monthly installments of the said vehicle regularly. Though, the accused person of the case paid monthly installment initially for 2/3 occasions, but from the 4th month, the said accused person did not pay any EMI to the concerned financing authority for which the complainant had to face tremendous financial hardship. In spite of executing an agreement, as the accused person of the case has cheated the complainant, she filed the said FIR before the concerned Police Station, which was accordingly registered as Dibrugarh P.S. Case No. 391/2024 under Sections 406/420 IPC corresponding to G.R. No. 1108/2024.

4. According to the petitioner, he is neither the FIR named accused nor involved in the case, but as the concerned Investigating Officer of said Dibrugarh Police Station issued him notice for his appearance in said Dibrugarh P.S. Case No. 391/2024, apprehending his arrest, the petitioner preferred this anticipatory bail application.

5. From the case diary placed by Mr. Sarma, learned Additional Public Prosecutor, Assam, it is seen that in an organized manner, the petitioner along with few others through their agents used to look for good conditioned vehicles in various areas, whose EMIs are pending and later, if the owner agrees to sale their vehicle with pending EMIs, they used to enter into an agreement with the promise to pay the EMIs and used to purchase those vehicle. For that purpose the petitioner along with the other persons involved in the case used to finance for such purchase and also for payment of EMIs in the initial stage. Later those purchased vehicles whose EMIs are pending are sold to the neighbouring States, like Arunachal Pradesh, Nagaland by the petitioner and his other associates at a huge amount and they do not pay the EMIs as promised to pay by them while entering into their agreement with such owners of the vehicles.

6. Considering such materials in the case diary against the petitioner with regard to his involvement in the alleged crime, the Court is of the view that it is not a fit case to grant pre-arrest bail to the petitioner, namely, **Salam Ahmed @ Ashique Ahmed** in said **Dibrugarh P.S. Case No. 391/2024**, more particularly, when the vehicles sold by the owners to the petitioner and his other

associates are yet to be recovered.

7. Accordingly, this pre-arrest bail application of the petitioner, named above, in said Dibrugarh P.S. Case No. 391/2024 stands rejected.

8. Return the case diary.

JUDGE

Comparing Assistant