

GAHC010245182024



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

Case No. : Bail Appln./3528/2024

MD ANOWAR KHAN
S/O MD. NAUSHAD ALI,
RESIDING AT BAMUNGAON, PS KAMALPUR, DIST KAMRUP R ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR. U K GOSWAMI, MR B YADAV, MR. S RANA, MR A K RAI, MR. S MUNIR, MR H SARMA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 18.12.2024

- 1.** Heard Mr. S. Munir, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public prosecutor for the State of Assam.
- 2.** This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, whereby the petitioner MD. Anowar Khan has prayed for

releasing him on bail after he was arrested in connection with Sonapur Police Station Case No.229/2024.

3. One Company has been undertaken the construction of Railway Tracks on 14th Mile, village Sarutari. Sheikh Asraful Hoque is the representative of the said Company at that place.

4. On 17.11.2024, at mid night the concrete Pump ASP-40 and 58 numbers of CC Clips were stolen those good were taken away in a vehicle bearing registration No.AS01-NC-4914.

5. Subsequently Police recovered the said vehicle and arrested the driver Arup Bora. This driver disclosed before the Police that he has already sold the stolen good to a scrape dealer named Abdur Rahman.

6. The learned counsel for the petitioner has submitted that the present petitioner Anowar Khan is an employee of Abdur Rahman. According to Mr. Munnir Police went to the scrape shop of Abdur Rahman but he was not found there. Therefore Police arrested the present petitioner being an employee under Abdur Rahman.

7. The learned Additional Public Prosecutor has submitted that though the shop was owned by Abdur Rahman, but it was managed and run by the present petitioner. Accordingly the learned Additional Public Prosecutor has submitted that the present petitioner and Abdur Rahman were doing this type of offences regularly.

8. The learned counsel for the petitioner has submitted that the petitioner has already completed 33 days in judicial custody and the period of detention already undergone by him should be taken up by the trial court for releasing him on bail.

9. I have considered the submissions made by learned counsel for both the sides and I have also considered the circumstance under which the present petitioner was arrested by Police.

10. This Court is of the opinion that at this stage, petitioner no longer deserve to be

detained in custody.

11. Therefore, the bail application is allowed.

12. It is hereby directed that in the event of arrest in connection with Sonapur Police Station Case No.229/2024 the petitioner Anowar Khan shall be released on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(Metro), Guwahati.

13. Case Diary shall be returned.

14. The bail application stands disposed of.

JUDGE

Comparing Assistant