

GAHC010251042024



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

Case No. : AB/3117/2024

BITUPON BASUMATARI
S/O DIBAKAR BASUMATARI
A RESIDENT OF VILL TIOKHABI,P.S. SONARI,
P.O. BONGENABARI, DIST. CHARAIDEO, ASSAM

VERSUS

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

Advocate for the Petitioner : MR. M A I HUSSAIN, N ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 11-12-2024

Heard Mr. MAI Hussain, learned counsel appearing for the petitioner. Also heard Ms. N. Das, learned Additional Public Prosecutor for the state of Assam.

2. This an application 482 of the BNSS, 2023, whereby the petitioner, Bitupon Basumatari has prayed for grant of pre-arrest bail in respect of Borhat P.S. Case No. 12/2024.

3. On 19.10.2024 at night, some persons had stolen some cows from different houses of

a village. They were trying to load those stolen cows in a waiting vehicle, but the villagers saw the incident and some of them were apprehended and the driver of the said Borolo vehicle escaped.

4. The present petitioner is the owner of the said vehicle. He said that he hands over the vehicle to his driver to perform commercial activities. The petitioner says that he does not know what his driver does.

5. Ms. N. Das submits that the driver is yet to be apprehended by police. She further submits that till apprehension of the driver, the present bail application need not be considered.

6. I have considered the submissions made by the learned counsels of both sides.

7. This Court is of the opinion that till now there is no such material to implicate the present petitioner with the aforesaid incident of theft of cows. Therefore, he does not deserve to be detained in custody. Accordingly, his anticipatory bail application is allowed.

8. It is hereby directed that in the event of arrest in connection with Borhat P.S. Case No. 12/2024, the petitioner, Bitupon Basumatari shall be released on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the arresting authority.

9. The petitioner is directed to appear before the Investigating Officer within next 10 days from today.

10. The bail application stands disposed of.

11. CD shall be returned.

JUDGE

Comparing Assistant