

GAHC010251972024



2024:GAU-AS:12439

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

Case No. : AB/3110/2024

AMIT SARAOGI
S/O LATE MOHAN CHANDRA SARAOGI,
RESIDENT OF A BLOCK 2B, SIGNATURE APARTMENT PS PALTAN BAZAAR,
DIST KAMRUP M ASSAM 781001

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR. M SHARMA, MR A K RAI,MR B YADAV,MR S DEKA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

09-12-2024

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

2. Apprehending his arrest, the petitioner, namely, **Amit Saraogi**, son of Late Mohan Chandra Saraogi, resident of A Block 2B, Signature Apartment, Police Station-Paltan Bazar, Guwahati, District-Kamrup(M) has filed this application under Section 482 BNSS, 2023 praying for his

release on pre-arrest bail in Chandmari Police Station Case No. 282/2024 under Sections 303(2)/112(2)/3(5) BNS, 2023, read with added Sections 317(2)/238(C) BNS, 2023 corresponding to G.R. No. 6828/2024.

3. As per the FIR dated 18.11.2024, the case is that over the past few days a series of thefts involving manhole covers in the Bamunimaidan area were noticed. It was reported that a group of miscreants had been stealing the manhole covers using small commercial vehicle to transport them and selling those outside Guwahati. The accused persons have allegedly been engaging in such activities for extended period. After receiving such reports, the matter was informed to the Officer-in-charge of Chandmari Police Station who in turn notified the matter to the senior Police Officials as per the procedure. Accordingly, a team was subsequently formed consisting of police personnel from Chandmari Police Station to investigate the matter. For the last few days patrolling was intensified in Chandmari area. On 18.11.2024 in the morning hours around 06:00 am, based on credible suspicion, the said police team successfully apprehended the gang members, five stolen numbers of manhole covers were recovered along with a four-wheeler commercial vehicle (Tata Yodha) bearing Registration No. AS-01-QC-0265. Exploiting the ongoing drainage repair and the cleaning work, during which manhole covers were left beside the footpaths, the accused persons posed as Guwahati Municipal workers to avoid suspicion and had stolen those manhole covers, during which six of the accused persons were apprehended who loaded the stolen manhole covers into the vehicle and attempted to flee. During the preliminary enquiry it was revealed that the vehicle belongs to one Chinmoy Chakraborty and was also discovered that the apprehended accused persons had been selling the stolen manhole covers to scrap yards in Rangia and furthermore, a middleman posing as a GMC official was found assisting the apprehended accused persons in executing the theft of manhole covers and that the stolen articles have been duly seized preparing the seizure memo and the accused persons were duly apprehended by police personnel. As such the complainant lodged the FIR before the Officer-in-Charge of Chandmari Police Station requesting the said authority to initiate legal action against the apprehended individuals, the alleged GMC official, the scrap yard owners involved in the case who received the stolen goods and to register a case under the appropriate sections of law and for necessary investigation of the case. Accordingly, Chandmari Police Station Case No. 282/2024 under Sections 303(2)/112(2)/3(5) BNS, 2023 was registered read with added Sections 317(2)/238(C) BNS, 2023.

4. It is submitted by the petitioner that in said Chandmari P.S. Case No. 282/2024 notice under Section 35(3) to 35(6) of the BNSS dated 19.11.2024 was served upon him during his absence. It is also stated by him that he is no way connected with the case and has been falsely implicated in it. It is stated that the petitioner has no connection or relation with the business of any scrap materials and that in the said Chandmari P.S. Case he has been wrongly dragged without any basis or evidence.

5. The petitioner stated that for some business purpose he was at Delhi since 07.11.2024 and returned to Guwahati only on 19.11.2024 and as such he was not present on the date of the incident. It is stated that pursuant to the notice dated 19.11.2024 issued under Section 35(3) to 35(6) of the BNSS police has intensified the search against him and therefore, he is apprehending imminent arrest in said Chandmari P.S. Case.

6. It is submitted by the petitioner that he is a respectable person in the locality and there is no chance of him of absconding in the event of granting him pre-arrest bail in said Chandmari P.S. Case. It is also stated by him that he shall co-operate with the investigation of the case and shall abide by any terms and conditions that may be imposed upon him by the Court while considering his case for releasing him on pre-arrest bail in said Chandmari P.S. Case.

7. Mr. B Sarma, learned Additional Public Prosecutor for the State submitted that the accused persons involved in the case have been charged with the theft of manhole covers, a crime that directly endangers public safety by leaving those manholes open, risking severe accidents or fatalities. Such crime also disrupts essential public infrastructure, demonstrating its anti-social nature and the significant harm caused to the public.

8. With regard to the petitioner, Mr. Sarma, learned Addl. Public Prosecutor from the Case diary submitted that the petitioner is a scrap dealer and middleman as well as a permanent client of K D Iron & Steel Private Limited who is at large despite notice being served upon him under section 35(3) BNSS in connection said Chandmari P.S. Case on three separate occasions giving him adequate time for compliance that he has failed to respond and did not cooperate with the investigation of the case.

9. During the deliberation of the matter Mr. Sharma, learned counsel for the petitioner submitted that some of the arrested accused persons of the case have already been released on bail by the Court.

10. On perusal of the case diary, sufficient incriminating materials have been found against the petitioner pertaining to his involvement in the alleged crime.

11. The case diary indicates that the theft of manhole covers was not an isolated incident but part of a premeditated and systematic criminal operation involving impersonation, coordination with intermediaries and collaboration with scrap yards to process stolen property. The actions of the accused persons involved in the case indicate a well-planned and an organised criminal network and that the accused persons are closely tied to a larger network of criminals, intermediaries and scrap the operators. It is also seen that investigation is yet to be completed.

12. Considering the entire aspects of the matter, noted above, this Court is of the opinion that the prayer of the petitioner for his pre-arrest bail in said Chandmari P.S. Case No. 282/2024 cannot be considered.

13. Accordingly, this pre-arrest bail application of the petitioner, **Amit Saraogi**, son of Late Mohan Chandra Saraogi, in said Chandmari Police Station Case No. 282/2024 stands rejected.

14. Return the Case diary here with.

JUDGE

Comparing Assistant