

GAHC010259802024



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

Case No. : AB/3227/2024

FARUQUE ALI
S/O HABIL UDDIN
R/O VILL- NO. 2 LARKUCHI P.O. LARKUCHI, P.S. MUKALMUA
DIST. NALBARI, ASSAM,
PIN- 781138

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. B HUSSAIN, MR. A K HUSSAIN

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

18.12.2024

Heard Mr. A.K. Hussain, the learned counsel appearing for the petitioner. Also

heard Mr. R.R. Kaushik, the learned addl. Public Prosecutor, Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for pre-arrest bail in respect of Mukalmua P.S. Case No.292/2024 under Section 310(1) of the BNS, 2023.

3. On 26.09.2024 at midnight, some unknown armed persons barged into the house of the informant. They gagged the mouth of the informant and asked for the key of the almirah. The informant had to hand over the keys to those persons. They took out a cash amount of ₹1 lakh, 1½ tola gold ornaments and one mobile phone.

4. During investigation, a person called Rafiquil Islam was arrested. It was discovered that some other persons including the present petitioner had hatched a conspiracy to commit the offence because they have the knowledge that the house of the informant had a cash amount of ₹1 lakh. The said Rafiquil Islam also joined the gang and committed the offence.

5. Mr. Hussain has submitted that the petitioner is a driver by profession and works at Guwahati. According to the petitioner, police has been unnecessarily looking after him.

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

7. This Court is of the opinion that the plea taken by the petitioner is not acceptable in view of the materials collected by the Investigating Officer. The petitioner is not entitled to get the privilege of pre-arrest bail. Therefore, this Court further upholds that this petition is devoid of merit and stands dismissed accordingly.

Case diary shall be returned.

JUDGE

Comparing Assistant