

GAHC010271192024



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

Case No. : AB/3358/2024

TARIKUL ISLAM @ TARIFUL ISLAM
S/O MAJNUR ALI
R/O KAMALPUR
P.S. BAIHATA
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR, MR. S RANA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

19.12.2024

1. Heard Mr. S. Munir, learned counsel for the petitioner Tarikul Islam @Tariful Islam.
2. The petitioner has filed this application under Section 482 of the Bharatiya

Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as he is apprehending arrest in connection with Bongaigaon P.S. Case No. 188/2024 under Sections 380 of the IPC.

3. Heard Mr. R. R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

4. The FIR unfolds that there was a theft of liquor from the IMFL shop of Rajib Boro. It is submitted that the petitioner has purchased some liquor, but he is not complicit. It is further submitted that the FIR is very vague and the amount of liquor stolen and cash stolen from the informant's shop is not mentioned. The prime accused has already been enlarged on bail.

5. I have considered the submissions at the Bar with circumspection. It is submitted that the petitioner is willing to cooperate with the remaining part of investigation. The petitioner is a local resident and he is not a flight risk. The petitioner is willing to abide by any stringent bail conditions if imposed upon him.

6. Considering all aspects, petition is allowed. The petitioner shall be enlarged on bail of Rs. Rs. 30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that:

(i) The petitioner shall appear before the Investigating officer within 1 (one) week and cooperate with the investigation,

(ii) The petitioner shall appear before the Investigating Officer on every fortnight till completion of investigation, and

(iii) The petitioner shall refrain from such activities with he is alleged.

7. On breach of any of the bail conditions, the bail order shall stand automatically cancelled.

8. In terms of the above observation, anticipatory application stands disposed of.

JUDGE

Comparing Assistant