

GAHC010271472023



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

Case No. : Bail Appln./4395/2023

ABDUL BAREK
S/O LATE IRFAN ALI
R/O FOREST KANKATA, P.S. RANGJULI
DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. K K HANDIQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 05.01.2024

Heard Mr. K.K. Handique, learned counsel for the accused and Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondent.

2. This petition, under Section 439 Cr.P.C. is preferred by the accused, namely, Abdul Barek, who has been languishing in jail hazot in connection with

Agia P.S. Case No. 8/2023, under Section 395 of the IPC, since 19.10.2023.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Ratan Saha on 18.01.2023. The essence of allegation made in the FIR dated 18.01.2023, is that on 17.01.2023, at around 8:30 p.m., the driver and handyman of 407 truck bearing Registration No. AS-25-CC-5529 of the informant was carrying 60 packets of betel nuts from Dhupdhara Athiabari Gaon to Howly Barpeta. While the said truck reached Solmari Kalyanpur, under Agia P.S. at around 10:20 p.m., ten numbers of miscreants, who were coming in a four wheeler vehicle, restrained the truck wrongfully and took the driver and handyman to another place along with the betel nut loaded truck, by showing them lethal weapons and thereafter, looted the 60 packets of betel nuts and Rs. 25,000/- from them. Thereafter, the miscreants released them at Odla village under Nagarbera P.S.

4. Mr. Handique, the learned counsel for the accused submits that the accused was arrested in connection with Goalpara P.S. Case No. 145/2023 under Sections 120(B)/399/400/402 of the IPC, read with Section 25(1-A) of the Arms Act, and that he was enlarged on bail by the Court of learned Sessions Judge, Goalpara vide order dated 06.11.2023 in Misc.Crl. Case No. 664/2023 and that he will cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. R.J. Baruah, learned Addl. Public Prosecutor submits that he has not received the case diary, but as per his instruction, the I.O. has completed investigation and submitted charge-sheet being charge-sheet No. 114/2023 under Section 395 IPC dated 31.10.2023.

6. In view of the submission of learned Advocates of both the parties, this Court is inclined to dispose of this bail application by directing the accused to

approach the learned Court below by filing appropriate petition.

JUDGE

Comparing Assistant