

GAHC010278712023



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

Case No. : AB/4176/2023

MOSTAFIZUR RAHAMAN @ MOSTAFIJUR RAHMAN
S/O MAJIBAR RAHMAN
R/O WARD NO. 2,
ABHAYAPURI TOWN, ABHAYAPURI, NORTH SALMARA, P.O.AND P.S.
ABHAYAPURI, DIST. BONGAIGAON, ASSAM, PIN-783384, PHONE-
7002513489

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR G CHAMUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

22.01.2024

Heard Mr G Chamuah, learned counsel for the petitioner.

2. The petitioner Mostafizur Rahaman @ Mostafijur Rahman, has filed this application under Section 438 Cr.PC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Abhayapuri PS Case No. 501/2023, under

Sections 379 of the IPC R/W Section 135 of the Electricity Act, 2003 corresponding to NGR No. 856/2023 pending before the SDJM (M), North Salmara, Abhayapuri.

3. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.
4. It is submitted on behalf of the petitioner that he has been falsely alleged with tampering of electric meter for wrongful gain. The Annexure-4 of the petition reveals that the petitioner was asked to pay Rs. 14826.98 through the APDCL revenue bill and when the petitioner raised objection due to the exaggerated amount of the net bill of Rs. 16034/-, he has been falsely entangled with the case of tampering with the electricity meter. It is submitted that the petitioner will pay the bill despite the fact that the amount mentioned in the bill is excessive to the consumption of the electricity. The petitioner is willing to co-operate with the investigation.
5. The learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary, against the petitioner.
6. I have also perused the Case Diary.
7. Indeed, there are incriminating materials in the Case Diary against the petitioner. However, investigation has progressed to a considerable extent.
8. The petitioner has appeared before the IO and his statement has been recorded. The petitioner has not violated any bail conditions.
9. Considering all aspects, the interim order dated 14.12.2023, is hereby made

absolute.

10. The petitioner to abide by the terms and conditions imposed upon him, vide order dated 14.12.2023.

11. Anticipatory Bail Application stands disposed of.

12. Send back the Case Diary.

JUDGE

Comparing Assistant