

GAHC010286932023



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

Case No. : AB/4251/2023

MOINUDDIN AHMED @ BABLU AHMED
S/O JALALUDDIN AHMED
R/O DEBERAPAR CHARIALI, P.S. MARIANI
DIST. JORHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

05.01.2024

Heard Mr. M Biswas, learned counsel for the petitioner. Also heard Mr. RR Kaushik, learned Additional Public Prosecutor, Assam for the State respondents.

This is an application under Section 438 Cr.P.C. for granting the privilege of pre-arrest bail to the petitioner, namely, Moinuddin Ahmed @ Bablu Ahmed who is apprehending arrest in connection with Tezpur P.S. Case No.846/2022 under Sections 379/411 IPC read with Section 15(2) of Petroleum and Mineral Pipeline Act, 1962 and Section 3(2) of the Prevention of Damage to Public Property Act, 1984.

Case diary is received.

The learned counsel for the petitioner submits that the petitioner is nowhere connected with the offence alleged. The petitioner is an owner of a car washing centre and an abandoned tanker was found in the road side and he was falsely implicated in the case, therefore, the petitioner may be extended the benefit of pre-arrest bail.

The learned Additional Public Prosecutor, however, objects to the prayer for granting bail at this stage.

I have perused the case diary and also considered the submissions of the learned counsel for the parties.

On perusal of the case diary, no specific allegation against the petitioner is found. In view of the above, this Court is inclined to grant the privilege of pre-arrest bail to the petitioner.

The petitioner shall appear before the Investigating Police Officer within a period of 10 (ten) days from today, and, in the event of arrest of the petitioner above-named, in connection with the case aforementioned, he shall be released on bail on furnishing a bail bond of Rs.10,000/- (Rupees ten thousand) with a suitable surety of the like amount to the satisfaction of arresting authority, subject to the following conditions:

1. The petitioner shall not leave the territorial jurisdiction of the aforesaid police station, without prior written permission from its officer-in-charge,

2. The petitioner shall not hamper with the investigation, or tamper with the evidence of the case, and
3. The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

This application, accordingly, stands disposed of.

Return back the case diary.

JUDGE

Comparing Assistant