GAHC010157062020

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

Case No. : AB/3163/2020

MD. HAREJ ALI AND 2 ORS.
S/O MD. RIYAJUL HOQUE, VILL-MOHGHULI, P.S.-NORTH LAKHIMPUR,
DIST-LAKHIMPUR, ASSAM

2: AZIZUR RAHMAN

3: MD. SHORIAT AL

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S K ROY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

02.12.2020

Heard Mr. K. Rahman, learned counsel for the petitioners and Ms. S.H. Borah, learned Addl. PP for the State/respondent.

By this application under Section 438 Cr.P.C., the petitioners, namely ***1. Md. Harej Ali, 2. Azizur***

Rahman and 3. Md. Shoriat Ali have prayed for pre-arrest bail apprehending arrest in connection with **North Lakhimpur P.S. Case No. 784/2020** under Sections 420/406/34 of the IPC (corresponding to G.R Case No. 1798/2020).

Be it mentioned herein that the earlier pre-arrest bail application was rejected by this Court vide order, dated 21.10.2020 in A.B. No. 2502/2020.

The case diary, as called for, is placed before the Court.

Mr. K. Rahman, learned counsel appearing for the petitioners, submits that the petitioners are innocent. Mr. Rahman further submits that the two prime accused persons were arrested and the learned Court released them on bail as well as the fake gold and money were seized from their possession. Therefore, the custodial interrogation of the petitioners may not be necessary.

Ms. S.H. Borah, learned Addl PP, submits that the petitioners are named in the FIR and they sold the fake gold boat and four pieces of gold to the prime accused persons.

The FIR reveals the allegation that one Monuj Kumar Tripathi was found possessing a boat made of fake gold and four pieces of gold, which he admitted to had purchased from the petitioners for Rs. 4 Lakhs.

On perusal of the case diary, it is revealed that fake gold was seized from the possession of prime accused Monuj Kumar Tripathi which he purchased allegedly from the petitioners for Rs. 4 Lakhs. The petitioners allegedly convinced Monuj that the said gold was genuine, but on testing by a goldsmith found the same to be not gold. The investigation is yet to be completed.

In view of the above, this Court is of the view that it is not a fit case to grant the privilege of pre-arrest bail to the petitioners so as to enable them to avoid custodial interrogation and accordingly rejected.

Return the case diary.

This disposes off the pre-arrest bail application.

JUDGE

Comparing Assistant