GAHC010163182020

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

Case No. : AB/3326/2020

MD RANA ALI
S/O ISLAM ALI, R/O MORANJANA, P.S.-RANGIA, DIST-KAMRUP (R), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P K GARODIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 17-12-2020

Heard Mr. P.K. Garodia, learned counsel for the petitioner. Also heard Ms. S.H. Bora, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

This petition under Section 438 Cr.P.C., is filed for granting the privilege of pre-arrest bail to the petitioner, namely **Md. Rana Ali** apprehending arrest in connection with **Rangia P.S. Case No. 687/2020** registered u/s **457/380/34** of the IPC.

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

Mr. P.K. Garodia, learned counsel for the petitioner, submits that the petitioner has been implicated in the case purely on suspicion and he was no way connected to the incident. According to Mr. Garodia, the implication of the petitioner is based on the statement of the arrested person.

Ms. S.H. Bora, learned Addl. Public Prosecutor, submits that there is incriminating material to show that the present petitioner along with another managed to escape from the place of occurrence in a vehicle while one was apprehended by local public on the spot.

The F.I.R. reveals the allegation that three miscreants broke the informant's shop during night hours in order to commit theft. The informant apprehended one Md. Farman Ali, while the petitioner and another escaped by the vehicle, they used in the commission of the offence.

On consideration of the materials on the case diary, it prima facie appears that although the three miscreants broke the shutter of the informant's shop, nothing could be stolen away. The petitioner and another abruptly left the place of occurrence by the car they travelled in. The investigation has been satisfactorily progressing.

Therefore, in the above backdrop of facts, this Court is of the view that the privilege of pre-arrest bail may be granted.

Accordingly, it is provided that in the event of arrest, the petitioner, named above, shall be released on pre-arrest bail, in connection with the above noted case on furnishing bail bond of **Rs. 25,000/- (Rupees Twenty Five Thousand)** with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

(i) That the petitioner shall appear before the Investigating Officer within 7 days;

(ii) That 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; and

(iii) That the petitioner shall refrain from committing any similar offences future

of which he is accused or suspected of commission.

Return the case diary.

This disposes off the anticipatory bail application.

JUDGE

Comparing Assistant