

GAHC010027342026



2026:GAU-AS:3677

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

Case No. : AB/349/2026

ESHA HOQUE ALI
SON OF ANOWAR HUSSAIN
VILL- DOTURI, P.O. KAWATIKA, P.S. BIJNI, DIST. CHIRANG, BTC, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M AHMED, P. GHOSH, MRS S RAHANA, B DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

13-03-2026

Heard Mr. A. M. Ahmed, learned counsel for the petitioner and Mr. B. Sarma, learned Additional Public Prosecutor, for the State respondent.

2. This is an application under Section 482 BNSS, 2023 praying for grant of pre-arrest bail to the accused/petitioner, namely, **Esha Hoque Ali**, who is apprehending arrest in connection with **STF P.S. Case No. 04/2025**, registered under Sections 379 IPC.

3. Case diary received. Perused the same. The injury report is also received from the I.O.

4. It is submitted by Mr. Ahmed, learned counsel that the present petitioner is innocent and he is no way involved in the alleged offence. From the forwarding report of the other co-accused persons also it is seen that the incident had occurred in the year 2018 and the accused persons who committed theft of the vehicle, had already sold the same to one Majmul Hoque at Rs.60,000/-, but there is no mention of the name of the present petitioner in the forwarding and subsequently, the police was searching for him on the basis of the statement made by the co-accused of the case, who made such statement out of previous enmity. However, the petitioner appeared before the I.O., cooperated in the investigation and his statement is also recorded.

5. Mr. Sarma, learned APP submitted in this regard that initially 3-4 persons were arrested in connection with this case. But from the statement made by the co-accused persons it is learnt that the present petitioner is the person to whom, the theft vehicle was sold at Rs.1,00,000/- , but from the note of the I.O. it is seen that the present petitioner is not cooperating with the investigation of the case and he also did not disclose anything about the vehicle.

6. Mr. Ahmed, learned counsel submitted in this regard that he is not aware about the vehicle and it was only on the basis of the co-accused statement, police is searching for him and harassing him to disclose about the whereabouts of the stolen vehicle. But he already cooperated with the I.O. disclosing every facts of the case.

7. However, he is still ready and willing to extend his cooperation in the further investigation of the case, if he is granted with the privilege of pre-arrest

bail.

8. Heard the submissions made by the learned counsel for both sides, considering all the materials available in the case diary, I find that custodial interrogation/detention of the petitioner may not be necessary for the purpose of investigation of the case and as such I find it a fit case to extend the privilege of pre-arrest bail.

8. Accordingly, the interim pre-arrest bail granted to the petitioner vide order dated 19.02.2026 is hereby made absolute on the same terms and conditions.

9. Further, the petitioner is directed to appear before the I.O., within a period of 10 (ten) days from today and to cooperate in the investigation of this case, as reportedly he is not cooperating in the way he should cooperate with the I.O.

10. With the above observation and direction, this pre-arrest bail application stands disposed of.

11. Return the case diary herewith.

JUDGE

Comparing Assistant