

GAHC010039792024



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

Case No. : AB/522/2024

JULHAS ALI
S/O FARMAN ALI
R/O VILL- SYALMARI
P.S. SYALMARI
DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR N BARMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

12.03.2024

Heard Ms. J. Barman, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Howly P.S. Case No.08/2024, under Section

380/411/34 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Julhas Ali, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Sadeque Ahmed, on 03.02.2024. The essence of allegation made in the aforesaid FIR is that on 03.02.2024 some persons have committed theft of two pieces of RRU machine from Indus Tower, located at Dolagaon and then the informant had proceeded to the place of occurrence and near the place of occurrence he found one vehicle, bearing Registration No.AS-01JC-8516 being parked there and also found one person in the said vehicle and then checking the said vehicle, they have found one RRU machine and some other parts of mobile tower and when asked, he disclosed his identity as Manik Ali and he also disclosed that he had committed theft of RRU machine from Dolagaon Indus Tower and also disclosed that some other persons, namely, Babul Ali, Firoz Ali and Dangar, are also involved in the same.

4. Ms. Barman, learned counsel for the applicant submits that the applicant is no way involved with the offence alleged in the FIR and he is ready to cooperate with the investigating agency and one of the main accused has already been granted the privilege of bail by the learned Court below vide order dated 06.02.2024 and this Court also granted interim pre-arrest bail to some of the co-accused and therefore, it is contended to allow the petition.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials in support of the allegation made in the FIR and that the investigation is going on and therefore, Mr. Sarma has opposed the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Additional P.P.

7. The case diary indicates that the present applicant is the owner of a dam situated

at Guwahati and he has received the stolen articles and the same were recovered and seized from his dam. Further, it appears that the investigation is going on and the co-accused are yet to be arrested and extending the privilege of pre-arrest bail to the present applicant, at this stage, will disturb the investigation. Therefore, this Court is inclined to dismiss the petition.

8. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant