

GAHC010031002024



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

Case No. : AB/375/2024

RAHIM BADSHA AND ANR.
S/O OMAR ALI
VILL- KATHALDI PART-I
P.S. BILASIPARA,
DIST. DHUBRI, ASSAM
PIN-783348

2: JAMAT ALI
S/O HOZRAT ALI
VILL- SHAGUNMARI PART-IV
P.S. BILASIPARA
DIST. DHUBRI
ASSAM, PIN-78334

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MD B ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

19.02.2024

Heard Mr. B. Islam, learned counsel for the applicants and also heard Mr. B. Sarma,

learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under Section 438 Cr.P.C. is preferred by two applicants, namely, Rahim Badsha and Jamat Ali, who have been apprehending arrest, in connection with Bilasipara P.S. Case No.04/2024, under Section 365/511/34 IPC, for grant of pre-arrest bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Mainul Islam on 05.01.2024. The essence of allegation made in the aforesaid FIR is that on 05.01.2024, at about 12:00 p.m. one Afjalur Rahman, Kader Ali, Nuru Mandal, Nur Amin, Jamat Ali, Member and Rahim have stolen the informant Mainul Islam in a car, bearing Registration No.AS-18D-4900 from a petrol pump situated at Hakama and he was recovered by public and handed over to police along with one of the accused.

4. Mr. Islam, learned counsel for the applicants, submits that the applicants are innocent and they are no way involved with the offence alleged in the FIR and their names are not mentioned in the FIR also and they are ready to cooperate with the investigating agency 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 against the present applicants and the case is pending for arrest of other co-accused and therefore, Mr. Sarma has opposed the petition.

6. Having heard the submission of learned Advocates for 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 I.O. has collected sufficient incriminating materials against the present applicants and the investigation is pending for arrest of the co-accused.

8. In view of the materials collected so far in the case diary, this Court is of the view

that this is not a fit case where the privilege of pre-arrest bail can be granted to the present applicants and accordingly, the petition stands dismissed.

9. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant