

GAHC010043812024



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

Case No. : AB/548/2024

SAIDUL ISLAM
S/O LT. SHAHIDUL ISLAM,
R/O LAOGAON SALMARI, P.S.- SADAR, DIST.- NAGAON (ASSAM).

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MS. G BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

15.03.2024

Heard Ms. G. Borah, learned counsel for the applicant and also heard Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under Section 438 Cr.P.C. is preferred by the applicant, namely,

Saidul Islam, who has been apprehending arrest in connection with Sonapur P.S. Case No.14/2024, under Section 380 IPC, 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 Karuna Rajbongshi, on 30.01.2024. The essence of allegations made in the aforesaid FIR is that on the intervening night of 30.01.2024, at about 3:30 a.m., some unknown culprits entered into their house premises and committed theft of 3 nos. of cattle and tried to load the same in one vehicle, bearing Registration No.AS-01FJ-5183 and thereafter, some persons who were carrying bricks in a vehicle, noticed the same and raised alarm and then the culprits fled away along with the vehicle. But, when the driver of the vehicle carrying the bricks, obstructed the road then the culprits left the vehicle and fled away.

4. Ms. Borah, learned counsel for the applicant submits that the applicant is the owner of the vehicle, bearing Registration No.AS-01FJ-5183 and that he is no way involved with the offence alleged in the FIR and he is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

5. On the other hand, Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the materials collected so far in the case diary are inadequate to show the complicity of the applicant with the offence alleged in the FIR.

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. Lahkar, learned Additional P.P.

7. In view of the materials collected so far in the case diary and also in view of the stage of investigation, custodial interrogation of the applicant seems to be not warranted here in this case and therefore, this Court is inclined to allow this petition. It is provided

that in the event of arrest of the applicant, namely, Saidul Islam, in connection with Sonapur P.S. Case No.14/2024, under Section 380 IPC, he shall be enlarged on pre-arrest bail on his executing a bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the arresting authority. The above privilege is, however, subject to the following conditions:-

- (i) The applicant shall make himself available for interrogation by the Investigating Officer as and when required;
 - (ii) The applicant 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) The applicant shall not leave the jurisdiction of the learned C.J.M., Kamrup(M), without prior permission.
8. In terms of above, this anticipatory bail application stands disposed of.
9. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant