

GAHC010006782024



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

Case No. : AB/121/2024

MUKUMONI BORAH
S/O MR. BHOLA NATH BORAH
R/O BARUAH TINIALI
P.O. JALONIDIBRUDOWAR
P.S. DULIAJAN, IN THE DISTRICT OF DIBRUGARH, ASSAM,
PIN-786602
MOBILE NO. 8099078530

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T BARUAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN**

ORDER

25.01.2024

Heard Ms. A. Das, 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 Duliajan P.S. Case No.317/2023, under Section 387/34 IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Mukumoni Borah, 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 Aminul Haque on 10.12.2023. The essence of allegation made in the aforesaid FIR is that on 09.12.2023, while he and his driver Ashraful Alam were carrying 8 nos. of cattle in a Mahindra G2 vehicle, bearing Registration No.AS-02CC-5553, then some youth, who were coming in a vehicle, bearing Registration No.3101, stopped their vehicle and assaulted them and taken to the field of Tripling School and there also assaulted them and demanded money. Then, he paid a sum of ₹ 26,000/- to them and they also threatened to kill them if they failed to make payment of money and then they have reported the matter to the owner of the cattle and then the owner of the cattle arrived at there and then the youths threatened him also and thereafter, took away the cattle from the vehicle.

4. Ms. Das, learned counsel for the applicant submits that the name of the applicant is not mentioned in the FIR and he is no way involved with the offence alleged in the FIR and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

5. Per contra, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the present applicant is also known as Jagat Borah and that the I.O. has collected sufficient incriminating materials against him and therefore, Mr. Sarma contended to dismiss 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 I.O. has collected sufficient incriminating materials against the applicant and that the investigation is in nascent stage and the co-accused are

yet to be arrested and extending the privilege of pre-arrest bail to the applicant at this stage will misdirect the investigation and accordingly, the petition stands dismissed. Case diary be returned.

**Sd/- Robin Phukan
JUDGE**

Comparing Assistant