

GAHC010027252024



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

Case No. : AB/329/2024

AHED ALI
R/O KURIHAMARI, BARCHULIYA
P.S. MUKALMUA, DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP BY THE PP ASSAM

Advocate for the Petitioner : M M RAHMAN

Advocate for the Respondent : PP, ASSAM

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

ORDER

07.03.2024

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

2. Apprehending arrest in connection with Latasil P.S. Case No.01/2024, under Section 379 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Ahed 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 Lakhya Jyoti Borah, Assistant Executive Engineer,

PWD(Road), on 29.12.2023. The essence of allegation made in the aforesaid FIR is that some culprits used to commit theft of manhole cover from two locations near Bhuban Road and C.K. Agarwalla Road and about 38 pairs of iron manhole cover were stolen from C.K. Agarwalla Road and 3 pairs from Bhuban Road near Uzanbazar.

4. Mr. Rahman, learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in the FIR and his name finds no mention in the FIR and the arrested co-accused also has not named him and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the 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 I.O. has collected sufficient incriminating materials against the applicant and he is the main person in commission of the theft of manhole cover from Guwahati and that the investigation is going on and therefore, Mr. Lahkar 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. Lahkar, learned Additional P.P.

7. The case diary indicates that the I.O. has collected sufficient incriminating materials against the applicant and the investigation is going on and custodial interrogation of the applicant seems to be indispensable here in this case and therefore, 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 applicant and accordingly, the anticipatory bail application stands dismissed.

8. Case diary be returned.

**Sd/- Robin Phukan
JUDGE**

Comparing Assistant