

AB 754/2011

BEFORE

THE HON'BLE MR. JUSTICE A.C. UPADHYAY

This is an application under Section 438 Cr praying for pre-arrest bail on behalf of the petitioner, namely - Shahidul Islam in connection with Barpeta P.S. Case No.906/2010 (G.R. No.1426/2010) under Section 379 IPC.

Heard Mr. H. Hoque, learned counsel appearing for the petitioner as well as Mr. B. Gogoi, learned Addl. P.P., Assam.

Mr. B. Gogoi, learned Addl. P.P. by producing the case diary before this Court apprised the Court regarding the progress of investigation made by the police. The FIR reveals that on a sudden visit following a secrete information; the police recovered a motor cycle bearing Registration No. ML-07-A-7812 from the residence of Abdul Mazid, which they suspected to be stolen. On investigation, Abdul Mazid informed the police that the said motor cycle was purchased by his son Md. Baser Ali, who was staying at Guwahati for business purpose. Abdul Mazid could not produce any document for possessing motor cycle.

On perusal of the case diary, it appears that the Investigating Officer has not so far ascertained as to whether the motor cycle seized by him is stolen motor cycle or not. Even after getting the registration number of the motor cycle, the Investigating Officer has not been able to obtain the name of the registered owner of the vehicle in question.

In the circumstances, when the theft of the motor cycle is yet to be ascertained, it would not be appropriate to reject the prayer of the petitioner for pre-arrest bail in connection with this case.

Accordingly, the prayer of the petitioner for pre-arrest bail is allowed and it is provided that in the event of arrest of the petitioner, namely - Shahidul Islam, in connection with the aforementioned case, he shall be released on bail of Rs.10,000/- with one surety of the like amount to the satisfaction of the arresting authority. However, the petitioner is directed to appear before the Investigating Police Officer, and make himself available for the purpose of interrogation by the police, in connection with this case within seven (7) days from today.

The bail application stands disposed of in terms of the above observations and directions.