

AB 4348/2011  
BEFORE  
THE HON'BLE MR. JUSTICE B D AGARWAL

By this application under Section 438 of the Code of Criminal Procedure Code, 1973, the petitioner, namely, Md Baharul Ali, is praying for bail apprehending his arrest in connection with Kamalpur PS Case No. 390 of 2011, under Sections 395/397 of the Indian Penal Code, 1860.

Heard Sri N Das, learned counsel for the petitioner as well as Sri B B Gogoi, learned Additional Public Prosecutor for the State of Assam. Also perused the Case Diary.

The prosecution case is that a truck was looted by some unknown miscreants.

The learned counsel for the petitioner submitted that the petitioner is an auto rickshaw driver and since he was carrying the goods of the prime accused Sri Naba Das, the Police is trying to arrest the petitioner.

The learned Additional Public Prosecutor submitted that the arrested persons have not named the present accused in the offence of dacoity.

Hence, the interim bail granted on 22.12.2011, is hereby made absolute.

The petitioner is directed to appear before Investigating Officer within a period of one week from today and he shall co-operate in the investigation of the case.

With the aforesaid directions, this Anticipatory Bail Application stands disposed of.