

BEFORE

HON'BLE THE CHIEF JUSTICE MR. AJIT SINGH

Mr. AY Choudhury, learned counsel for the applicant.

Mr. NK Kalita, learned Additional Public Prosecutor, Assam for the respondent.

This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail on behalf of applicant- Abdul Mukid Laskar.

The applicant is apprehending his arrest for offences under Sections 406 and 381 of the Indian Penal Code registered at Lakhipur Police Station vide Case No. 184/2017.

According to the prosecution case, complainant had loaded 1660 cartons of Palm Oil and other articles in the truck of applicant which met with an accident. At the time of accident, the truck was being driven by Najimuddin. On receiving information about the accident, applicant informed the complainant who in turn, rushed to the place of accident. There he did not find the goods loaded in the truck. Suspecting foul play, he lodged police report alleging that goods have been stolen by the applicant and his driver.

It is argued on behalf of the applicant that he is innocent and has been falsely implicated. It has also been argued that applicant was not present at the time of accident and, therefore, he is not in a position to say who has taken away the goods.

On due consideration of the facts and circumstances of the case, I deem it proper to grant him anticipatory bail. It is accordingly directed that in the event of his arrest in connection with the aforesaid case, he shall be released on anticipatory bail on furnishing bail bond of Rs. 25,000/- with one surety of the like amount to the satisfaction of the arresting authority.

The application is allowed.