

GAHC010075372020



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

Case No. : AB 1268/2020

1:FATIYAR ALI
S/O ICHAHAK ALI, R/O VILL. JAMBARI, P.O. AND P.S. BOKO, DIST.
KAMRUP, ASSAM.

VERSUS

1:THE STATE OF ASSAM
TO BE REPRESENTED BY THE PP, ASSAM.

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 29-05-2020

Heard Mr. S.C. Biswas, learned counsel for the petitioner and Ms. S. Jahan, learned Additional Public Prosecutor for respondent, State of Assam.

This application under Section 438, Code of Criminal Procedure, 1973 (CrPC) has been filed praying for pre-arrest bail of the petitioner viz. Md Fatiyar Ali apprehending his arrest, in connection with Garchuk Police Station Case no. 520/2019 registered under Section 392, Indian Penal Code (IPC).

Ms. S. Jahan, learned Additional Public Prosecutor has submitted that she has received the concerned case diary.

I have perused the materials available in the case diary including the statements of the

witnesses recorded.

From the materials, it is revealed that the articles stolen from the truck were found inside the campus of the petitioner. The materials further indicate that the petitioner is involved in the commission of the crime.

Having considered the materials available in the case diary, I do not find this to be a fit case to grant the benefit of pre-arrest bail to the petitioner, and accordingly, this application is rejected.

JUDGE

Comparing Assistant