

GAHC010238842022



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

Case No. : Bail Appln./3186/2022

ATOWAR DEWAN @ SAYED ATOWAR RAHMAN
S/O- LT. IYARAS ALI, R/O- VILL- ALIPUB, P.O. BAIHATA CHARIALI, P.S.
BAIHATA CHARIALI, DIST.- KAMRUP- 781381

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 30-11-2022

Heard Mr. R.P. Sarma, learned Senior Counsel assisted by Ms. T. Som, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Addl. P.P. for the State Respondent.

The petitioner Atowar Dewan @ Sayed Atowar Rahman has filed an application under Section 439 Cr.P.C. with prayer for bail in connection with Baihata Chariali P.S. Case No. 218/2022 under Sections 379/411 IPC.

It is submitted that an FIR was lodged against the petitioner when 52 bags each containing 50 kgs of rice was found stored in the residence of the petitioner. The FCI tag was also found intact in some bags and in some bags the tags were removed. It is submitted that the petitioner is at the verge of his retirement and he is a qualified Engineer and he will not indulge in such activities.

The learned Addl. P.P. has raised objection stating that being a government employee he is also an owner of a grocery shop.

I have perused the Case Diary. There are indeed cogent materials in the Case Diary against the petitioner. However, investigation has progressed considerably. I have also considered the age of the petitioner.

Considering the progress of the investigation and the length of detention the petition is allowed.

The petitioner is enlarged on bail of Rs. 25,000/- with a suitable surety of like amount to the satisfaction of the learned SDJM, Rangia under the conditions that:-

- (i) The petitioner will refrain from such activities with which he is alleged.
- (ii) The petitioner will not tamper with the evidence.

The bail application stands disposed of.

JUDGE

Comparing Assistant