

GAHC010025622023



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

Case No. : Bail Appln./455/2023

TITHAIPOU GOLMEI
S/O GAITHAOLIN GONMEI, R/O VILL-AWANGKHUL, P.S. AND DIST-NONEY,
MANIPUR

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR J K Bhuyan

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

27.02.2023

Heard Mr. J.K. Bhuyan, learned counsel for the petitioner, namely, Tithaipou Golmei.

2. The petitioner has filed an application under Section 439 Cr.P.C. in connection with North Lakhimpur P.S. Case No.646/2022 under Section 120B/489D/511 of the Indian Penal

Code, corresponding to G.R. Case No.1352/2022, as he is in judicial custody since 12.12.2022.

3. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, for the State respondent.

4. I have considered the submissions at the Bar and I have perused the case diary also.

5. The FIR unfolds that on 10.12.2022 at about 12.30 p.m. three people from Manipur, which includes the petitioner and two girls, were detained by the public. They came from Manipur to procure fake currency notes from the accused No.2 named in the FIR. It is also averred that the accused No.2 repeatedly called the petitioner to take the fake currency notes. The accused No.2 named in the FIR also had an apparatus for manufacturing fake currency notes and fake Indian currency notes were also found in his possession. ₹ 13,00,000/- was found in the possession of the petitioner which he had brought to procure the fake Indian currency notes from the accused No.2 named in the FIR. It is submitted on behalf of the petitioner that fake Indian currency notes were not found in the possession of the petitioner.

6. The learned Additional Public Prosecutor has raised objection by stating that there are incriminating materials against the petitioner in the case diary. The amount of ₹ 13,00,000/- was seized from the possession of the petitioner. A perusal of the case diary indeed reveals incriminating materials against the petitioner.

7. The petitioner is not a local resident. The petitioner has, however, pledged to cooperate with the investigation and to abide by any bail conditions imposed upon him.

8. I have considered the submissions made on behalf of the petitioner. The length of detention and the progress of investigation is also taken into consideration.

9. Considering all aspects and in view of the my foregoing discussions, the present

application is allowed. The petitioner, namely, Tithaipou Golmei shall be enlarged on bail in connection with North Lakhimpur P.S. Case No.646/2022 under Section 120B/489D/511 of the Indian Penal Code, corresponding to G.R. Case No.1352/2022 on furnishing a bail bond of ₹ 50,000/- with two local sureties of like amount to the satisfaction of the Elaka Magistrate. The aforesaid bail is granted on the following conditions:

- (i) The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.
 - (ii) The petitioner shall not directly or indirectly make any inducement, threats or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.
 - (iii) The petitioner shall not obstruct the smooth progress of the investigation/trial.
 - (iv) The petitioner shall not misuse their liberty in any manner.
9. Bail application stands disposed of.
10. Send back the case diary.

Sd/- *Susmita Phukan Khaund*
JUDGE

Comparing Assistant