

GAHC010123802023



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

Case No. : Bail Appln./1986/2023

GENEKELLY G. MOMIN
S/O MR. ARTHUR N. SANGMA,
VILL.- WALBAKGRE, TURA, P.S.- ARAI MILES, DIST.- WEST GARO HILLS,
MEGHALAYA.

VERSUS

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

Advocate for the Petitioner : MR. M K DAS
Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

15-06-2023

Heard Mr. M. K. Das, learned counsel for the petitioner and Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 439 CrPC, the petitioner, namely, **Mr. Genekelly G. Momin**, is seeking bail in Agia P.S. Case No.68/2023 registered under Sections 120(B)/379/411/468/471/420 IPC corresponding to G.R. No.627/2023, wherein he was arrested on 13.05.2023 and since then, he is in custody.

As per the FIR dated 04.05.2023 lodged by the informant stating that on the

basis of secret information, a Naka Checking was placed in front of the Agia Police Station and during the said Naka Checking, a Maruti Dzire vehicle bearing Registration No.ML-07-C-1786 was stopped and at the time of checking the documents of the vehicle, six numbers of fake Registration certificates were found in the said vehicle issued by the present petitioner being the District Transport Officer, East Garo Hills, William Nagar, Meghalaya.

In the FIR it is also stated that during such Naka Checking while the documents of the said vehicle was checked, it was found that the Registration Number and the Chassis Number of the said vehicle do not match with the Registration Certificate. Accordingly, Agia P.S. Case No.68/2023 under Sections 120(B)/379/411/468/471/ 420 IPC was registered.

Perused the case diary produced before the Court today by Mr. M.P. Goswami, learned Additional Public Prosecutor, Assam.

Mr. Goswami, learned Additional Public Prosecutor, Assam from the case diary submitted that the petitioner, being the DTO of East Garo Hills, William Nagar, Meghalaya through the other accused persons, namely Mominur Islam and Golam Ali used to issue fake registration certificates of different vehicles.

Mr. Goswami from the case diary also submitted that after the arrest of petitioner and other accused persons, their agents burned down their office, so that no evidence or clue remain against them.

Considering the materials in the case diary and the period of detention of the petitioner in custody since 13.05.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate said Agia P.S. Case No.68/2023. As such, this bail application of the petitioner is accepted.

Accordingly, the petitioner, namely, **Mr. Genekelly G. Momin**, be released on bail in said Agia P.S. Case No.68/2023, on furnishing a bail bond of Rs.2,00,000/-, with 2 (two) local sureties of the like amount, to the satisfaction of the learned Chief

Judicial Magistrate, Goalpara, on conditions that the petitioner shall – **(i)** appear before the Investigating Officer of said Agia P.S. Case No.68/2023 on every Monday during the office hours in the week commencing from **19.06.2023** for the next 8 (eight) weeks and thereafter, as and when he is required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of the Agia Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** not hamper with the investigation, or tamper with the evidence of the case and **(iv)** he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in the aforesaid Agia P.S. Case No.68/2023 shall stand automatically vacated.

Return the case diary herewith.

Bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant