

GAHC010130822023



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

Case No. : Bail Appln./2108/2023

HITESH DAS
S/O HARESWAR DAS
R/O VILL- BONGSHAR, AMBARI
P.O. BONGSHAR
P.S. SUALKUCHI,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M H AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 13.07.2023

Heard Mr. M. H. Ahmed, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned APP appearing for the State.

2. The petitioner, who was arrested on 05.06.2023, is seeking regular bail under Section 439 Cr.P.C. in connection with Pragjyotishpur P.S. Case No. 79/2023, under sections 489A/489C/489D of the IPC.

3. The petitioner is accused of participating in the fake currency printing supply and distribution racket.

4. As per the statement of co-accused, 164 Nos. of suspected fake currency notes were seized along with similar other incriminating materials and the co-accused implicated the petitioner in participating in the racket.

5. Perused the case diary produced by the learned APP and it reveals that the petitioner is seizure witness No. 2. Moreover, the case diary does not reveal that any fake currency was seized from the possession of the present petitioner. Further, there is no incriminating material against the petitioner except the statement made by a co-accused.

6. Be that as it may, the Court fails to appreciate that why the I.O. would make the co-accused a seizure witness and jeopardise the investigation carried out.

7. In view of the above and as the case diary does not reveal any incriminating material against the petitioner except the statement made by a co-accused, the Court is of the considered opinion that further custodial interrogation of the petitioner may not be necessary. Hence, the Court is inclined to grant bail to the petitioner, namely, Hitesh Das, in connection with the aforesaid case on furnishing bail bond of Rs.30,000/- with one suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) at Guwahati.

8. 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, threat 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 refrain from committing any similar offence in future.

V. The petitioner shall appear before the I/O within 15 (fifteen) days from the date of his release and he shall continue to appear once every month till his appearance is dispensed with or charge-sheet is filed, whichever is earlier.

9. This application stands disposed of.

JUDGE

Comparing Assistant