

GAHC010131102023



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

Case No. : Bail Appln./2088/2023

USHA BARMAN
W/O SRI DHAN NATH
R/O HOUSE NO. 19,
GOVT. PRESS ROAD,
P.S. CHANDMARI, GUWAHATI, PIN-781021,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N ANAND

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 28-07-2023

Heard Mr. N. Anand, learned counsel for the petitioner.

Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State of Assam.

By this application under section 439 Cr.P.C., the petitioner namely, Usha Barman, is praying for bail in connection with Geetanagar P.S. Case No. 04/2023 under section 120(B)/420/489(B)/489(C)/489(D) of IPC as the petitioner is behind bar since 21.05.2023 (68 days).

The accusation in this case against the present petitioner is that on 05.01.2023, one Mr. Nanao Khurajam lodged an FIR before the Officer-in-Charge of Geetanagar Police Station, inter-alia, alleging that when the informant came to Guwahati in the house No. 29, Janapth at Zoo Gate Guwahati for purchasing a bike on lower budget, in the said house an amount of Rs. 1,50,000/- was forcibly taken away from the informant and one black color plastic bag was kept on the informant's bag and the accused ran away from there. When the informant looked his bag he found that the black plastic bag was containing with fake Rs. 500/-notes. In the said house there are three persons and bundles of fake notes and some electrical machine were there in the room which is suspected to be fake note making machine. On receipt of the FIR, Geetanagar P.S. Case No. 04/2023 was registered.

The learned counsel for the petitioner submits that the present petitioner was earlier arrested in connection with another case and therefore, the police have arrested the present petitioner on the basis of suspicion only. Though, the present petitioner is no way involved in the offence as alleged in the FIR. On the other hand, the learned Additional Public Prosecutor for the State has placed the case diary and submitted that though in the forwarding report the Investigating Officer has mentioned that the present petitioner has been implicated in the instant case on the basis of the statements made by the other co-accused. However, no such statement is found in the case diary against the present petitioner.

Considering the submissions of the learned counsel for both sides and considering the fact that there are no sufficient materials against the present petitioner in the case diary to justify her further detention in this case. The petitioner namely, Usha Barman is enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with one suitable surety of like amount, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) with the condition that the petitioner shall co-operate with the investigation as and when called for.

With the observations made above, the bail application stands disposed of.
Send back the case diary.

JUDGE

Comparing Assistant