

GAHC010134142023



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

Case No. : Bail Appln./2221/2023

ANSAR ALI AND 2 ORS.
S/O- MD. ABDUL HAI, R/O- VILL- MOHGHULI BORGOLA, P.S. NORTH
LAKHIMPUR, DIST.- LAKHIMPUR, ASSAM

2: MD. JALAL UDDIN
S/O- LATE ATOR ALI
R/O- VILL- MOHGHULI BORGOLA
P.S. NORTH LAKHIMPUR
DIST.- LAKHIMPUR
ASSAM

3: MD. NOOR JAMAL
S/O- LATE MAHMOOD ALI
R/O- VILL- SALMARA TINIALI
P.S. NORTH LAKHIMPUR
DIST.- LAKHIMPUR
ASSA

VERSUS

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

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 30.06.2023

Heard Mr. B. Choudhury, learned counsel for the petitioners. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State.

This bail application has been preferred under Section 439 of Code of Criminal Procedure, 1973, praying for bail of petitioners, namely, (1) Md. Ansar Ali, who was arrested on 23.05.2023 (2) Md. Jalal Uddin, who was arrested on 26.05.2023, and (3) Md. Noor Jamal, who was arrested on 31.05.2023, in connection with North Lakhimpur P. S. Case No. 192/2023 (Corresponding To GR Case No. 485/2023) under Section 120-B/406/420/489(A)/489(C)/489(D)/34 of the Indian Penal Code, 1860.

The accusation in this case is that on 20.05.2023 one Biman Gogoi, SI of Police, North Lakhimpur Police Station lodged an FIR before the Officer-in-Charge, North Lakhimpur Police Station, *inter alia*, alleging that the petitioners along with one Md. Abul Kalam were involved in illegal business of counterfeit currency. Accordingly a search operation was made in the residence of accused Md. Abul Kalam and fake Indian currency note of about Rs. 39,000/- And one showpiece of crucified cross Jesus in fake gold was found there from.

It is submitted that by learned counsel for the petitioners though the petitioner no. 1 Md. Ansar Ali was arrested by police on 25.05.2023, the petitioner No. 2 Md. Jalal Uddin, and petitioner no. 3, namely, Md. Noor Jamal surrendered on before the police on their own out of fear.

It is also submitted that nothing was seized from the possession of the present petitioners.

On the other hand, learned Additional Public Prosecutor submits that the

accused no. 1 Md. Abul Kalam has implicated the present petitioners also and there are implicating materials in the case diary and hence, he opposed the prayer for bail of the present petitioners.

However, considering the fact that the petitioner no. 1 has already detained been behind the bar since 41 days, petitioner no. 2 is behind the bar since 36 days, and the petitioner no. 3 is behind the bar since 31 days, and considering the progress of the investigation, their further custodial detention do not appear to be necessary for fair completion of the investigation of the North Lakhimpur P. S. Case No. 192/2023, if they co-operate with the Investigating Officer.

In view of the above, the present petitioners, namely, (1) Md. Ansar Ali, (2) Md. Jalal Uddin, and (3) Md. Noor Jamal, are hereby allowed to go on bail on furnishing of bail bond of Rs. 30,000/- (Rupees Thirty Thousand only) each with one surety of like amount to the satisfaction of the Chief Judicial Magistrate, North Lakhimpur, with a condition that after obtaining bail, the petitioners shall co-operate with the investigation of North Lakhimpur P. S. Case No. 192/2023.

This bail application is accordingly disposed of.

JUDGE

Comparing Assistant