

GAHC010141432023



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

Case No. : Bail Appln./2271/2023

MD. MIZANUR RAHMAN @ MIJU
S/O- LATE INTAJ ALI, RESIDENT OF VILLAGE- NO.2 ISLAMPUR, P.S.
BIHPURIA, DIST.- LAKHIMPUR (ASSAM)

VERSUS

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

Advocate for the Petitioner : MR. K BORUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 30-06-2023

1) Heard Mr. K. Baruah, learned counsel for the petitioner, also heard Ms. S.H.Borah, learned Additional Public Prosecutor appearing for the state of Assam.

2) This case is fixed for delivery of orders today.

3) This is an application 439 of the Code of Criminal Procedure, 1973 filed by

the applicant, namely, *Md Mizanur Rahman @ Mizu* who has been detained behind the bars, since 25.5.2023 and shown arrest on 09/06/2023, in connection with Laluk P.S. Case No. 97/2023 under Section 489A/489C/120B/420/406 of the Indian Penal Code.

4) The facts relevant for consideration of the instant bail application, in brief, are as follows: -

a) That, on 25/5/2023, one Dimbeshwar Koch, SI of Police of Bihpuria Police Station lodged an FIR before Officer-in-Charge of Bihpuria Police Station, *inter alia*, alleging that on receipt of an information through secret sources that nine numbers of accused persons named in the FIR, were dealing in fake Indian currency in Bangalmara bazar area, the said accused persons were apprehended and search was made, however, nothing was found from their possession. However, during interrogation, the present petitioner led to police to the house of some other co-accused where some incriminating materials used for fake Indian currency note were seized. On receipt of the said FIR, Bihpuria PS Case No. 96/23 was registered u/s Section 489A/489C/120B/420/406 of the Indian Penal Code.

b) Prior to filing of the aforesaid FIR, one Sunmoni Gogoi, SI of Police of Laluk Police Station had also filed an FIR, on 20/05/2023, before Officer -in- Charge of Laluk Police Station naming five accused persons being involved in the illegal business of fake Indian currency and fake gold. The basis of said FIR, Laluk P.S. Case No. 97/2023 under Section 489A/489C/120B/420/406 of the Indian Penal Code was registered and on 09/06/2020 the present petitioner

was shown arrest in the said case.

5) Mr. K. Baruah, learned counsel for the petitioner submits that the present petitioner is innocent and he has been falsely implicated in the case. It is also submitted that he was not a named accused in the FIR dated 20/05/2023 has been wrongly implicated in Laluk P.S. Case No. 97/2023.

6) On the other hand, Ms S.H. Borah, learned Additional Public Prosecutor appearing for the state of Assam opposed the prayer for grant of bail to the present petitioner at this stage stating that there are incriminating material against the present petitioner in the case diary. learned Additional Public Prosecutor also produced the case diary of Laluk P.S. Case No. 97/2023.

7) I have considered the submissions made by learned counsel for both sides and have perused the case diary of Laluk P.S. Case No. 97/2023. On perusal of the case diary sufficient incriminating materials are found against the present petitioner which does not justify his release on bail at this stage of the investigation.

8) For the reasons stated above, the prayer for bail on the present petitioner is rejected at this stage.

9) Send back the case diary.

10) This Bail application is accordingly disposed of.

JUDGE

Comparing Assistant