

GAHC010144782023



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

Case No. : Bail Appln./2306/2023

AYUB ALI
S/O ABDUL KUDDUSH
R/O VILL- NADIKA
P.S. LALUK
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. K BORUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

04.07.2023

Heard Mr. K. Baruah, learned counsel for the petitioner. Also heard Mr. D. P. Goswami, learned Additional Public Prosecutor for the State of Assam.

This is an application made under Section 439 Cr. P.C. seeking bail by the

petitioner, namely, **Md. Ayub Ali**, who was arrested on 23.05.2023 and has been custody since then in connection with the Laluk P.S. Case No. 97/2023 under Sections 489(A)/489(C)/120(B)/420/406 of Indian Penal code read with Section 14/15 of the Assam Games and Betting Act, 1970.

The case diary produced has been perused.

An F.I.R. dated 20.05.2023 was lodged by the informant who was a Sub Inspector of Laluk Police Station. It was alleged that the fake Indian currency note an about of Rs. 46,000/- along with one mobile phone and a motor cycle has been seized from the accused persons named therein.

During the investigation, the present petitioner has been arrested.

The learned counsel for the petitioner submits that he has arrested as he is the brother of the prime accused named in the F.I.R. No recovery has been made from the possession of the present petitioner.

Mr. Goswami, learned Additional Public Prosecutor for the State of Assam submits that during the course of investigation, it is found that the petitioner had assisted the prime accused in dealing with the fake Indian currency notes. However, no recovery of any fake Indian currency notes or any other objectionable materials has been recovered from the possession of the petitioner.

The matter is under investigation and some persons are involved in the offence as alleged.

Having heard the learned counsel for the parties, this Court is of the view of that considering the process of the investigation is carried upon and considering

the materials so far collected, including the length of detention as well as the nature of allegation made against the petitioner, this Court is of the considered opinion that further custodial detention of the petitioner is not necessary.

Accordingly, the petitioner, named above, shall be released on bail in connection with the case aforementioned on furnishing bail bond of Rs. 40,000/- with one suitable surety of like amount, to the satisfaction of the learned Chief Judicial Magistrate, Lakhimpur, in connection with the Laluk P.S. Case No. 97/2023.

The direction for bail is further subject to the conditions that the petitioner:

- (a) Shall not leave the territorial jurisdiction of learned Chief Judicial Magistrate, Lakhimpur, without prior written permission from him/her;
- (b) Shall not hamper with the investigation of the case and tamper with the evidence of the case;
- (c) 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 the Court or to any police office.

In terms of the above, this bail application is allowed and disposed of.

Return the case diary.

JUDGE

Comparing Assistant