

GAHC010145892023



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

Case No. : Bail Appln./2377/2023

AHIDUR RAHMAN
S/O MOJIBUR RAHMAN, R/O VILL-SUKULBHORIA, KOILANPUR GAON,
P.S.-LAKHIMPUR, DIST-LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR P CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 27-07-2023

Heard Mr. P. Choudhury, learned counsel for the petitioner.

Also heard Mr. D. Das, learned Additional Public Prosecutor for the State of Assam, who submits that case diary has not been yet received and has prays for some more time to produce the case diary.

By this application under section 439 Cr.P.C., the petitioner namely, Ahidur

Rahman, is praying for bail in connection with Lakhimpur P.S. Case No. 1925/2023, under section 120(B)/489-A/489-C/420/406 of IPC as the petitioner is behind bar since 26.05.2023 (64 days).

However, learned counsel for the petitioner has submitted that out of 13 nos. of co-accused involved in this case and 10 nos. of co-accused have already been released on bail. It appears from the record that the present petitioner has been detain behind the bar since 26.05.2023 in connection with the Lakhimpur P.S. Case No. 1925/2023 and on the basis of the and FIR lodge on 25.05.2023, by one Biman Gogoi S.I(P) of police out post before the Officer-in-Charge of North Lakhimpur Police Station inter-alia, alleging that four nos. of accused named in the FIR have been dealing with fake currency notes and from the house of accused no. 1 Md. Abdul Kalam, fake Indian currency notes to the tune of Rs. 39,000/- and one show piece of Jesus Christ of fake gold was recovered.

Though the learned Additional Public Prosecutor opposed the prayer of grant of bail of the present petitioner and has prayed for some more time to produce the case diary. However, considering the facts that the most of the co-accused persons including the main accused, Md. Abdul Kalam from whose possession, the fake Indian currency notes were recovered has been granted bail in this case and also considering the ground of long detention of the petitioner i.e 63 days his further custodial detention does not appears to be necessary for fair completion of the investigation of the case, if the present petitioner co-operates with Investigating Officer.

In view of above discussions, the petitioner namely, Ahidur Rahman, 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, Lakhimpur, North Lakhimpur in connection with with

Lakhimpur P.S. Case No. 1925/2023, on the following conditions:

(i) That the petitioner shall not directly or indirectly make any threat or promise or induce any persons so as to dissuade him or her from disclosing any facts before the learned trial Court failing which bail order will be cancelled;

(ii) 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.

JUDGE

Comparing Assistant