

GAHC010146032023



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

Case No. : Bail Appln./2334/2023

MD. BAHARUL ISLAM AND 2 ORS
S/O LT. MUNIRUDDIN
R/O VILL- SONAPUR RESERVE GAON,
P.O. SONAPUR,P.S. BIHPURIA
DIST. LAKHIMPUR, ASSAM

2: GULJAR HUSSAIN
S/O MD. KARAMAT ALI
R/O 2 NO. AHMEDPUR
P.S. BIHPURIA
DIST. LAKHIMPUR
ASSAM

3: MD. AJIJUL HOQUE
R/O MD. NAUSAD ALI
R/O VILL- KAPABHANGI JUGI GAON

P.S. BIHPURIA
DIST. LAKHIMPUR
ASSA

VERSUS

STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR DEBA SARMAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 04.07.2023

Heard Mr. D. Sarmah, learned counsel appearing for the petitioner. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor appearing for the State of Assam.

2. The bail application has been preferred by the petitioners, namely, Md. Baharul Islam, Guljar Hussain and Md. Ajijul Hoque are seeking bail in connection with Bihpuria P.S. Case No. 96/2023 (G.R. Case No. 506/2023) registered under Sections 120(B)/406/420/489-A/489-C/489-D/34 of IPC. The petitioner was arrested on 12.06.2023 and since then he has been in custody.

3. It is submitted by the learned counsel for the petitioner that an FIR dated 24.05.2023 was lodged by the informant, one Sri Dimbeswar Konch, who is the S/I under the Bihpuria Police Station. It is stated that the petitioner is not a named accused in the FIR. However, during the course of the investigation it is submitted that a fake gold like counterfeit statue of Jesus Christ and fake gold boat was recovered from the premises of the petitioner. During the investigation several other persons have been arrested. It is submitted that Co-Ordinate Benches of this Court has already released the other co-accused, who were arrested, on bail. It is submitted by the learned counsel for the petitioner that no recovery of fake Indian currency has been made from the possession of the petitioner.

4. This Court by earlier order dated 30.06.2023 had called for the case diary. And Mr. D. P. Goswami, learned Addl. P.P has produced the case diary before this Court as called for. Case Diary produced have been carefully perused.

5. Upon hearing the learned counsels for the parties and upon due perusal of the case diary and also the orders passed by the Co-Ordinate Benches of this Court, this Court is of the view that the prayer for grant of bail can be allowed. No materials are noticed from the case diary to suggest that release of the petitioner on bail will hamper the progress of investigation of the case carried on. Accordingly, the bail petition is allowed.

6. The petitioner is directed to be released on bail forthwith subject to executing a bail bond of Rs.50,000/- (Rupees fifty thousand) only each with one local surety of like amount to the satisfaction of the Court of Chief Judicial Magistrate, Lakhimpur. The bail, granted however, subject to the following conditions:-

i) The petitioners shall continue to appear before the police and cooperate with the Investigating Officer as and when required, till completion of investigation.

ii) The petitioners shall not change his residence or place of business, without prior written permission from the Court of Chief Judicial Magistrate, Lakhimpur.

iii) That the petitioners shall not hamper or tamper with the investigation in any manner; and

iv) That the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person/witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer in connection to this Police Station Case.

7. If any of the conditions are found to be violated by the petitioners then the Investigating Officer shall be at liberty to seek cancellation of the bail granted to the accused.

8. With the above direction, the bail petition is accordingly allowed and disposed of.

JUDGE

Comparing Assistant