

GAHC010146472023



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

Case No. : Bail Appln./2328/2023

ABDUL KALAM
S/O LATE AMIR ALI
R/O VILL- MOHGHULI BORGOLA, P.S. NORTH LAKHIMPUR,
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 MRIDUL KUMAR KALITA

ORDER

Date : 18.07.2023

Heard Mr. K. Boruah, learned counsel for the petitioner. Also heard Ms. S. H. Bora, 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 petitioner, namely, Abdul Kalam

who has been detained behind the bar since 21.05.2023 in connection with North Lakhimpur P. S. Case No. 192/2023 under Section 120(B)/489(A)/489(C)/420/406 of the Indian Penal Code.

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, interalia, 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.

Learned counsel for the petitioner submits that the four other persons who were arrested along with the present petitioner have already been granted bail by this court on 28.06.2023 and on 30.06.2023.

Learned Additional Public Prosecutor has placed the case diary which was called for in connection with this case before this Court.

It is submitted that there are incriminating materials against the present petitioner and fake Indian currency were recovered from the possession of the present petitioner.

Learned Additional Public Prosecutor submits that the investigation is still going on in the matter.

I have considered the submissions made by the learned counsels for both the sides.

Considering the fact that the some of the co-accused, who were arrested along with the present petitioner were already granted bail by this Court as well as considering the fact that the statement of the present accused has already been recorded by the Investigating Officer and he has been detained behind the

bar since last 59 days, his further custodial detention does not appear to be necessary for fair completion of the investigation of this case in North Lakhimpur P. S. Case No. 192/2023, if he otherwise co-operates with the Investigating Officer.

In view of the above, the accused, Abdul Kalam is allowed to go on bail on furnishing of bail bond of Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, North Lakhimpur, with a condition that the petitioner shall co-operate with the Investigating Officer in fair completion of investigation of North Lakhimpur P. S. Case No. 192/2023.

This bail application is accordingly disposed of.

JUDGE

Comparing Assistant