

GAHC010201792023



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

Case No. : Bail Appln./3192/2023

MD BULBUL ALAM
S/O LATE NOOR MOHAMMED AI
R/O ALOO GUTI CHAR
P.S. ALOO GUTI CHAR
DIST. BARPETA, ASSAM
PRESENTLY RESIDING AT BALIJAN PATH DAKHINGAON, P.S. HATIGAON
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. C K NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

10.11.2023

Heard Mr. S. Munir, learned counsel for the petitioner. Also heard Mr. D.Das, learned Additional Public Prosecutor, appearing for the State of Assam.

This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Md. Bulbul Alam, who has been detained behind the bars since 08.07.2023 (since last 125 days) in connection with Sessions P.S. Case No. 138/2023, pending before the Court of Additional Sessions Judge, FTC No. 2, Kamrup (M), Guwahati.

Learned counsel for the petitioner has submitted that is not involved in the offence alleged in this case and he is ready to face trial.

It is further submitted by the learned counsel for the petitioner that the petitioner has been detained behind the bars since last 125 days. No witness has been examined. Charge has been framed against the present petitioner on 01.09.2023 under Section 120B/489a/489c of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that nothing was seized from the possession of the present petitioner.

On the other hand, learned Additional Public Prosecutor has produced the scanned copy of the case record of Sessions P.S. Case No. 138/2023 as well as scanned copy of case diary of STF Police Station Case No. 05/2023 and has submitted that though the scanned copy is not legible, however, it transpires from the scanned copy that the seized currency notes were found to be fake in FSL examination report.

It is also submitted by the Additional Public Prosecutor that it also appears from record that the fake currency notes were recovered by one Sahanul and not from the possession of the present petitioner and only one mobile handset was recovered from his possession.

Considering the submissions made by the learned counsel for the parties as well as considering the materials in the record including the scanned copy of the case record, which was requisitioned by this Court as well as considering the

period of detention of 125 days, further custodial detention of the present petitioner does not appear to be necessary for fair completion of the trial of this case, if he co-operates in his trial in Sessions P.S. Case No. 138/2023.

In view of the above, the above-named petitioner, is hereby allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Additional Sessions Judge, FTC No. 2, Kamrup (M),Guwahati with conditions that:-

(i) the petitioner shall appear before the learned Trial Court as and when so required and shall co-operate in his trial; and

(ii) the Trial Court may impose any additional conditions for bail if it deems fit to do so.

With the above observations, this bail application is hereby disposed of.

JUDGE

Comparing Assistant