

GAHC010211202023



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

Case No. : Bail Appln./3402/2023

RASIDUL HOQUE
S/O SAFAR UDDIN
VILL- FATEHPUR
P.O. KUTUBPUR
P.S. BIHPURIA
DIST. LAKHIMPUR, ASSAM
PIN-787054

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M H AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 25.09.2023

Heard Mr. M. H. Ahmed, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, 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, Rasidul Hoque, who has been detained behind the bar since 08.08.2023 in connection with Dispur P. S. Case No. 1547/2023 under Sections 420/406/489(C)/489(D) of the Indian Penal Code.

The accusation in this case is that on 07.08.2023 one Jumur Uddin had lodged the FIR before the Officer-in-Charge of Dispur Police Station, *inter-alia*, alleging that on receipt of an information through reliable sources that some people who were staying in Guwahati in a rented house at Dakhingaon Sankar Ajan Path are dealing with fake currency and fake gold, a search operation was conducted and two persons including the present petitioner were apprehended along with the sum of Rs. 2,03,500/- along with a golden statue of the Jesus Christian suspected to be fake gold.

On receipt of the said FIR, Dispur Police Station Case No. 1547/2023 was registered.

Learned counsel for the petitioner has submitted that the petitioner is innocent and not involved in this case. He has also submitted that the petitioner has been detained behind the bar since last 49 days which may be sufficient period to complete the investigation and on that ground he has prayed for allowing the present petitioner to go on bail.

On the other hand, the learned Additional Public Prosecutor has placed the case diary of Dispur Police Station Case No. 1547/2023 and has submitted that fake Indian currency amounting to Rs. 1,03,500/- was recovered from the possession of the petitioner.

He has fairly submitted that the investigation has progressed and there is no implication against any other accused persons as of now.

I have considered the submissions made by learned counsel for the parties and have perused the case diary of Dispur Police Station Case No. 1547/2023.

Though there are incriminating materials against the present petitioner in that case diary however, considering the progress made in the investigation and considering the period of detention already undergone by the present petitioner (49 days), this Court is of considered opinion and his further custodial detention may not be necessary for fair completion of this case.

In view of the above, the petitioner namely, Rasidul Hoque, is hereby allowed to go on bail of Rs. 50,000/- (Rupees Fifty Thousand only) each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro) with a condition that after obtaining bail, the petitioner shall continue to co-operate with the Investigating Officer of Dispur Police Station Case No. 1547/2023.

This bail application is accordingly disposed of.

Send back the case diary.

JUDGE

Comparing Assistant