

GAHC010231312023



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

Case No. : Bail Appln./3637/2023

MUKTAR AHMED @ MAYNA
S/O. ABDUL KADIR
R/O. KUUBPUR, P/O. KUTUBPUR,
P/S. BIHPURIA, DIST. LAKHIMPUR,
ASSAM, PIN. 787054.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM.

Advocate for the Petitioner : ALHAJJ I UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 06.11.2023

Heard Mr. A. I. Uddin, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State of Assam.

This application under section 439 of the Code of Criminal Procedure 1973, has been filed by the petitioner, namely, Muktar Ahmed @ Mayna, who has been

detained behind the bar since 26.09.2023, (since last 42 days) in connection with Nagaon Sadar P.S. Case No. 886/2023 being registered under Sections 120(B)/420/489(D)/511 of Indian Penal Code

The accusation in this case is that on 23.09.2023, one Jagadish Kalita lodged an FIR before the Officer-in-Charge of Nagaon Police Station, *inter-alia*, alleging that on receipt of information through reliable sources, a search operation was conducted at the house of one Ajajul Hoque in presence of independent witnesses and one handmade wooden machine used for making fake currency note was recovered from the bedroom of said Ajajul Hoque.

It is submitted by learned counsel for the petitioner that the petitioner is no way involved in the offense alleged in the FIR and no recovery was made from his possession. It is also submitted that the petitioner has been detained behind the bar since last 42 days and he is a permanent resident of Lakhimpur and he is ready to co-operate in the investigation.

On the other hand, learned Additional Public Prosecutor, has opposed the grant of bail to the present petitioner and has produced the case diary of Nagaon Sadar P.S. Case No. 886/2023, which was called for in connection with this case.

The learned counsel for the petitioner has submitted that the petitioner has mentioned in his statement recorded under section 161 of the Code of Criminal Procedure, 1973 that he has been involved in the business of fake currency.

It is also submitted by learned additional public prosecutor that the co-accused, Ajajul Hoque, has also incriminated the present accused in the instant case.

I have considered the submissions made by counsel for both sides and

have perused the materials on record, including the case diary of the Nagaon Sadar P.S. Case No. 886/2023.

Considering the fact that the machine which was alleged to be used for production of fake currency note has already been seized and the seizure witnesses have been examined and there is no other materials against the present petitioner except his own statement under Section 161 of the Code of Criminal Procedure, 1973 as well as statement of the co-accused, also, considering the fact that the present petitioner has also already been detained behind the bar for since last 42 days and he is ready to cooperate in the investigation, this court is of considered opinion that further custodial detention of the present petitioner may not be necessary for fair completion of the investigation of Nagaon Sadar P.S. Case No. 886/2023.

In view of the above, the petitioner, namely, Muktar Ahmed @ Mayna is hereby allowed to go on bail of Rs. 30,000/- with one surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Nagaon, subject to the following condition that:

- i. That the petitioner shall appear before the Investigating Officer of the case as and when so required by the Investigating Officer for the purpose of the fair investigation of this case.

This bail application is accordingly disposed of.

Send back the case diary.

JUDGE

Comparing Assistant