

GAHC010239692023



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

Case No. : Bail Appln./3847/2023

SANOWAR RAHMAN
S/O LATE MD. ABU BAKKAR SIDDIQUE
R/O 1 NO. DAKSHIN RANGAPANI
P.S. BOKO
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A PARAMANIK

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 17.11.2023

Heard Mr. A. Paramanik, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, 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, Sanowar Rahman, who has been

detained behind the bar since 06.10.2023 (since last 42 days), in connection with Boko P. S. Case No. 475/2023 under section 489(A)/489(B)/489(C)/489(D) of the IPC.

The gist of accusation against the present petitioner in this case is that on 06.10.2023 one Juli Das, SI of Police of Chamaria Police Out Post lodged an FIR before the officer-in-charge of Boko Police Station, inter-alia, alleging that on receipt of a secret information through reliable sources a naka checking was organized in front of Dilbar Ali's Garage at Kalatoli Bazar and during naka checking, the present petitioner was apprehended and was found in possession of fake Indian currency note.

Learned counsel for the petitioner has submitted that the petitioner is innocent and the allegations leveled against the present petitioner in the FIR is not true. It is also submitted that the recovered fake Indian currency notes were found from the back side of the Dilbar Ali's Garage and not from his possession.

It is further submitted that even if it is assumed that the fake Indian currency notes were found from his possession, only Section 489(C) would be applicable for which the maximum statutory period is 60 days.

It is further submitted that the petitioner has already been detained behind the bar since last 42 days and on that ground the prayer for bail is made.

On the other hand, Learned Additional Public Prosecutor has placed the case diary of Boko P. S. Case No. 475/2023, which was called for in connection with this case and has submitted that there are sufficient materials in the case diary to show that the fake Indian currency notes were found from the possession of the present petitioner.

I have heard the learned counsel for both the sides and perused the case diary which was called for in connection with this case.

On perusal of the case diary it appears that there are incriminating materials in the case diary to show that the fake Indian currency from the possession of the present petitioner. However, it also appears in the meanwhile Investigating Officer has recorded the statement of witnesses and the fake Indian currency notes were also seized and it appears that there is a fair progress made in the investigation.

Considering the fact that the investigation has fairly progressed and also considering the fact that the petitioner has already detained behind the bar since last 42 days, this Court is of considered opinion that his further custodial detention may not be necessary if he co-operates in the investigation.

In view of the above, the petitioner, namely, Sanowar Rahman is allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount to the satisfaction of the learned Judicial Magistrate First Class, Boko.

With the above information, this instant bail application is accordingly disposed of.

Send back the case diary.

JUDGE

Comparing Assistant