

GAHC010253782023



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

Case No. : Bail Appln./4105/2023

AJIJUR RAHMAN
S/O- ABU SAHED, A RESIDENT OF VILLAGE- MOIRADHAJ, P.O.- ROWMARI
BILL, P.S. DHING, DIST.- NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M A I HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE

HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

29.11.2023

Heard Mr. M.A.I. Hussain, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, 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, Ajijur Rahman, who was arrested on 18.10.2023 in connection with Dhing P.S. Case No. 192/2023 under Section 120B/417/420/489A/489B/489C/489E of the Indian Penal Code.

The gist of accusation against the present petitioner is that on 18.10.2023, one Madhurjya Pegu, S.I. of Police had lodged an FIR before the Officer-In-Charge of Dhing Police Station, *inter-alia*, alleging that on receipt of some reliable information regarding dealing of some persons Bechamari Magurmari area under Ahomgaon Police Force of Dhing Police Station in dealing with fake Indian currency notes, a search operation was conducted at Magurmari area and one person was apprehended who was found coming in a suspicious manner. The apprehended person is the present petitioner, Ajijur Rahman and on search of the petitioner fake Indian currency notes amounting to Rs. 71,800/- were recovered from the possession of the present petitioner.

Learned counsel for the petitioner submits that he is an employee of one Mohidul Islam, who had asked him to carry some money and he was carrying the said money without knowing the fake Indian currency notes.

On the other hand, learned Additional Public Prosecutor has produced the case diary of Dhing P.S. Case No. 192/2023 and has opposed the grant of bail to the present petitioner on the ground that the fake Indian currency notes were seized from the possession of the present petitioner and sufficient incriminating materials are there in the case diary.

He has also submitted that one of the main co-accused namely, Mohidul Islam is yet to be arrested and release of the present petitioner at this stage would hamper the process of arrest of the co-accused and there is a probability of the accused again getting involved in the same activities.

I have considered the submissions made by the learned counsel for both the sides and have perused the materials available on record including the case diary of Dhing P.S. Case No. 192/2023.

It appears from record that the statement of the present petitioner has been recorded under Section 161 of the Code of Criminal Procedure, 1973 and the statement of the seizure witnesses has also been recorded. Further, it also appears from record that by forwarding the present petitioner after police remand to the concerned Judicial Magistrate, the Investigating Officer has observed that his further custodial detention was not necessary for the sake of investigation.

Considering the fact that the petitioner has already been detained behind the bars since last 42 days, this Court is of the considered opinion that his further custodial detention may not necessary for fair completion of the investigation of Dhing P.S. Case No. 192/2023.

In view of above, the petitioner, namely, Ajijur Rahman is hereby allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Nagaon with conditions that:-

(i) the petitioner shall appear before the Investigating Officer of Dhing P.S. Case No. 192/2023 as and when required by the Investigating Officer for the sake of fair completion investigation of the case; and

(ii) the petitioner shall not directly or indirectly make any inducement threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court.

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

Send back the case diary.

JUDGE

Comparing Assistant