

GAHC010268232023



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

Case No. : Bail Appln./4357/2023

MUNINDRA HAZARIKA
S/O LT. RAM HAZARIKA
R/O NARAYANPUR
P.S. NARAYANPUR
PIN-784164
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M RANA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

20.12.2023

Heard Mr. M Rana, learned counsel for the accused-petitioner. Also heard Mr. B Sarma, learned Additional Public Prosecutor, Assam appearing for the

State respondents.

This is an application under Section 439 of the Cr.PC., seeking bail of the accused-petitioner, namely, **Munindra Hazarika**, in connection with **Hatigaon P.S. Case No. 335/2023** under Sections 120(B)/511/420/489-A/489-C IPC.

Case diary is produced.

It is submitted by the learned counsel for the accused petitioner that the accused-petitioner has been in custody for last 68(sixty eight) days as on date since the date of his arrest and nothing was recovered from his possession. It is further submitted that the co-accused had also been granted bail by this Court considering the fact that no specific allegation has been made in the FIR as to from whom the currency notes had been recovered. Considering the length of detention, the accused petitioner may be enlarged on bail.

On the other hand, the learned Additional Public Prosecutor, Assam on perusal of the case diary has opposed the grant of bail to the accused petitioner by stating that the accused petitioner was indulged in such type of crime earlier also and as per the seizure list, fake currency notes were recovered from the possession of the present accused petitioner along with the other accused.

I have considered the submissions of the learned counsel for the parties and also perused the case diary.

As per the seizure list, it reveals that 26 numbers of Indian currency notes suspected to be fake were recovered from the possession of the present accused petitioner and some other accused i.e. Atiqur Rahman, Hafizur Rahman and Nizam Ali, but from the seizure list, it cannot be ascertained as to from whom the said currency notes have been recovered. It also appears that the accused petitioner has been detained in custody for the last 68 days. Further on

perusal of the case diary, it reveals that substantial part of investigation has been completed.

Considering the above, this Court is of the view that further custodial interrogation of the accused petitioner, in the interest of investigation, is not necessary. Therefore, the accused petitioner is granted bail.

Accordingly, the accused petitioner, named above, shall be released on bail in connection with ***Hatigaon P.S. Case No. 335/2023*** on furnishing bail bond of Rs. 50,000/- with a suitable surety of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), Guwahati, subject to the following conditions that the accused petitioner:

- (a) shall not leave the territorial jurisdiction of Chief Judicial Magistrate, Kamrup(M) Guwahati, without prior written permission from him;
- (b) shall not hamper with the investigation, or tamper with the evidence of the case; and
- (c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

The bail application, accordingly, stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant