

GAHC010003502024



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

Case No. : Bail Appln./76/2024

MANUJ KUMAR AND ANR
S/O- LATE TIKA RAM, R/O- NAGLATRAI, P.O. MAHUVAT, P.S. JANGAIA,
DIST. UDHAM SINGH NAGAR (UTTARAKHAND)

2: SHIVAM KUMAR
S/O- RAM KUMAR
R/O- VILL. PILBHIT-PAKRIA
P.S. SUNGURI
P.O. BOHONIA CHURAI
DIST. PILBHIT (UTTAR PRADESH)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P., ASSAM

Advocate for the Petitioner : MR. S BORTHAKUR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI
O R D E R

22.01.2024

1. Heard Mr. S. Borthakur, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Addl. P.P. for the State respondent.
2. This is an application filed under Section 439 Cr.P.C. praying for granting regular bail to the petitioners, **Manuj Kumar and Shivam Kumar**, who were arrested on 13.12.2023 in connection with **Basistha P.S. Case No. 781/2023**, registered under Sections **120(B) /420/511/489(A)/489(C) IPC**.
3. The case of the prosecution is that on 12.12.2023, one Rohit Das S.I. of police had lodged an FIR before the Officer-In-Charge of Basistha Police Station, *inter-alia*, alleging that on that day at about 11.10 am, acting on a specific information regarding some dealing and delivery of fake gold and fake currency in Lalmati area, a search team was constituted and the present petitioners along with two other persons were apprehended with 315 numbers of fake Indian currency notes of Rs. 1,08,490/- in cash as well as 3 numbers of fake gold boat.
4. The learned counsel for the petitioners submitted that the petitioners are completely innocent and has nothing to do in the instant case. In fact, the petitioners had come from Uttarakhand to purchase gold and accordingly, they were present at the spot. On the other hand, learned Addl. P.P. submits that their presence in the spot indicates their involvement in the matter.

5. I have considered the submissions made by the learned counsel for the petitioners as well as by the learned Addl. P.P. It appears from the case diary that apart from the presence of the petitioners in the location nothing else has been collected against them. The case is based purely on suspicion. Except the presence of the petitioners in the spot, there is nothing adverse against them. The petitioners have been in custody for last 40 days.

6. Considering the nature of the allegation, the antecedent of the petitioners and the length of detention vis-a-vis Article 21 of the Constitution of India, I am inclined to grant bail to the petitioners.

7. Accordingly, the petitioners, namely, **Manuj Kumar and Shivam Kumar** are allowed to go on bail in connection with the above noted case on furnishing bail bond of **Rs.30,000/- (Rupees Thirty Thousand) only** each with one surety of like amount each to the satisfaction of the learned **CJM, Kamrup (M), Guwahati**.

8. The bail granted to the petitioners shall be subject to the following conditions-

- i) The petitioners shall co-operate with the Investigating Officer;
- ii) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to any Police Officer;
- iii) The petitioners shall not leave the territorial jurisdiction of the trial Court without prior permission till completion of the trial; and
- iv) The petitioners shall refrain from such activities with which they are alleged, failing which, bail orders shall stand cancelled.

9. With the above observation, this bail application stands allowed.
10. This disposes of the bail application.

Send back the case diary.

JUDGE

Comparing Assistant