

GAHC010010292024



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

Case No. : Bail Appln./183/2024

MANNAN MALIK
S/O HATEM MALLIK
R/O PAKA BETBARI
P.O. JHARABARI
P.S. BARPETA,
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S M MOLLAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 28.02.2024

Heard Mr. S. M. Mollah, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure praying for grant of bail to the accused/petitioner, who has been arrested on 12.08.2023 in connection with Session Case No. 247/2023 (Corresponding to Gorchuk P.S. Case No. 237/2023, under Sections 420/120-B/489-A/489-C/489-D of the Indian Penal Code).

Scanned copy of the Case Record along with the Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. S. M. Mollah, learned counsel for the petitioner, that the case has already been Charge-Sheeted against the present accused/petitioner and after committal, the case is presently pending before the Court of learned Additional Sessions Judge No. 4, Kamrup (M), Guwahati. However, till date, the trial has not been commenced and charge is yet to be framed against the present accused/petitioner. The accused/ petitioner is behind the bar for last 201 days and he was arrested in connection with this case on 12.08.2023. So, without going by the merit of the case and only considering the length of detention, he may be enlarged on bail. He further submitted that the accused/petitioner is a permanent resident of his addressed locality and hence, there is no chance of absconding if he is enlarged on bail.

In this context, Mr. Borthakur, learned Additional Public Prosecutor, has submitted that serious allegation has been brought against the present accused/petitioner and fake currencies amounting to Rs. 6,00,000/- has been recovered from his possession apart from machine. So, considering the nature

of offence, which is an economic offence, the prayer of the accused/petitioner should not be considered at this stage and accordingly raised objection in allowing the accused/petitioner to go on bail.

After considering the submissions made by the learned counsels for both sides and also on perusal of the materials available in the Case Record as well as in the Case Diary, it is seen that the allegation brought against present accused/ petitioner is serious in nature. However, it is seen that even after the lapse of 201 days, the trial has not been commenced, though the case is presently pending before the Court of learned Additional Sessions Judge No. 4, Kamrup (M), Guwahati for disposal.

So, considering the above aspects of the matter, without going into the merit of the case and only considering the length of detention already undergone by the accused/petitioner, I find it justified to allow the accused/petitioner to go on bail.

Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- (Rupees fifty thousand) only with 2 (two) sureties of like amount, one surety has to be a government employee, to the satisfaction of the learned Additional Session Judge No. 4, Kamrup (M), Guwahati, the accused/petitioner, namely, Mannan Malik, be enlarged on bail. Further, the accused/petitioner shall submit his Aadhar Card, PAN Card, Bank Passbook etc. at the time of furnishing his bail bond.

The above privilege shall, however, be subject to the following conditions:

- (i) that the petitioner shall appear before the learned Court below as and when the date is fixed for;
- (ii) that the petitioner 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; and
- (iii) that the petitioner shall not leave the jurisdiction of the learned Additional Session Judge No. 4, Kamrup (M), Guwahati, without prior permission.

In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant