

GAHC010028252024



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

Case No. : Bail Appln./322/2024

ISLAM ALI
S/O JAMAL ALI
R/O KATABARI
KABARASTHAN
P.S.-GORCHUK
DIST- KAMRUP (M)
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. A PARAMANIK
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

19.02.2024

Heard Mr. A. Paramanik, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused/petitioner, namely, Islam Ali, who has been languishing in jail hazot since 17.01.2024 in connection with Paltanbazar P.S. Case No. 12/2024 under Sections 489(B)/489(C) of the Indian Penal Code.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Paramanik, that the accused/petitioner is no way involved in the alleged offence nor any fake currency has been recovered from his possession; neither, he knows the accused/person, whose name has been mentioned in the First Information Report (FIR) in connection with this case. He also submits that the accused/petitioner was arrested merely on suspension and he was produced before the Court of learned Chief Judicial Magistrate, Kamrup (M) on 18.01.2024 and since then, he has been in custody. So, considering the length of detention already undergone by the accused/petitioner, the learned counsel for the petitioner submits that the petitioner is still ready and willing to co-operate with the I.O. in the further investigation of the case, if he is enlarged on bail.

On the other hand, Mr. Das, learned Additional Public Prosecutor, submits that from the materials available in the Case Diary, it is seen that the fake currency has not been recovered from the possession of the present petitioner, however, one mobile handset along with 25 Nos. of SIM cards had been recovered from his possession. Thus, considering the period of detention already undergone by the

accused/petitioner, the learned Additional Public Prosecutor raised no objection on the prayer made by the learned counsel for the petitioner.

Considering the submissions of learned counsel for both sides as well as considering the other aspect of the case including seven days police remand and the length of detention already undergone by the accused/petitioner, i.e. 34 days, this Court is of the opinion that further custodial detention of the accused/petitioner seems to be not necessary here in this case, as the I.O has got ample opportunity to interrogate the accused/petitioner keeping him in custody.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), the accused/petitioner, namely, **Islam Ali**, be enlarged on bail, subject to the following conditions:

- (i) 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
- (ii) that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup (M), without prior permission.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant