

GAHC010022652024



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

Case No. : Bail Appln./323/2024

RAMJAN ALI
S/O MOHAMMAD ALI
RESIDENT OF VILLAGE MOHGHULI, PS NORTH LAKHIMPUR, DIST
LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY PP ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

12.02.2024

Heard Mr. B. Chowdhury, learned counsel for the accused and Mr. P.S. Lahkar, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Ramjan Ali**, who has been languishing in

jail hazot, in connection with the **Laluk P.S. Case No. 97/2023**, under Sections 489[A]/489[C]/120[B]/420/406 of the IPC read with Sections 13/14 of the Assam Gambling and Betting Act, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by WSI Sunmoni Gogoi, on 20.05.2023. The essence of allegations made in the FIR is that acting on a tip of she along with SI Nayan Jyoti Dekka conducted search in the house of Abed Ali and recovered 46,000 Fake Indian Currency Note [FICN], a mobile phone and one motorcycle and seized the same in presence of witnesses and during interrogation he reveals that one Tamir Ali and Amir Ali are also involved in the counterfeiting currency note. Thereafter, they have conducted searched in the house of Tamir Ali and recovered 3 mobile phones, a bank passbook and a motor cycle and seized the same in presence of witnesses and also conducted search in the house of Amir Ali and recovered house book use for gambling and bank passbook and seized the same in presence of witnesses and during interrogation they have disclosed that one Mahidul Islam and Amir Hussain are also involved in this case. Thereafter, they have conducted search in the house of Mahidul Islam and recovered a fake gold Chirst idol weighing 2.271 kg. Then during the investigation it was came to light that these accused persons and many other culprits are involved in the business of fake gold and fake currency note in Lakhimpur area and cheated the general public.

4. Mr. Chowdhury, learned counsel for the accused submits that the accused was arrested on 11.01.2024, and since then he has been languishing in jail hazot for last 33 days. Mr. Chowdhury further submits that the name of the accused is no mentioned in the FIR and that he was arrested only on the basis of the statement of the co-accused. Mr. Chowdhury also submits that some of the co-accused have already been granted bail by the learned trial court and that the

accused is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Lahkar, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the IO could not collect any material in support of the allegation, in respect of involvement of the accused in the business of preparing fake currency note. However, Mr. Lahkar submits that the IO has collected sufficient incriminating materials in connection with the allegation of business of fake gold and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the accused submits that the accused was arrested on 11.01.2024, and since then he has been languishing in jail hazot for last 33 days. Further, it appears that the IO has collected some incriminating material against the accused in support of the allegation, in respect of fake gold business. It also appears that some of the co-accused have already been granted bail by the learned trial court.

8. Having considered above and also considering the period of detention and balancing the same with the offence alleged in the FIR, this Court is of the view that further custodial detention of the accused may not be warranted in the interest of investigation.

9. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- each only, with one surety of like amount to the satisfaction of the learned **Chief**

Judicial Magistrate, North Lakhimpur, Lakhimpur, the accused be enlarged on bail.

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

11. The case diary be returned.

Comparing Assistant

JUDGE