

GAHC010039072024



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

Case No. : Bail Appln./559/2024

ANSARUL ISLAM AND 3 ORS
SON OF MD. SAHAR ALI, RESIDENT OF VILLAGE - MOHGULI P.S NORTH
LAKHIMPUR, DISTRICT- LAKHIMPUR, ASSAM.

2: MUSTT. ANJUMA BEGUM
WIFE MD. BAHARUL ISLAM
RESIDENT OF VILLAGE - MOHGULI P.S NORTH LAKHIMPUR
DISTRICT- LAKHIMPUR
ASSAM

3: FULZAR HUSSAIN
SON OF AFAJ UDDIN RESIDENT OF VILLAGE - MOHGULI P.S NORTH
LAKHIMPUR
DISTRICT- LAKHIMPUR
ASSAM

4: ROSHIDUL ISLAM
SON OF RAHIM UDDIN RESIDENT OF VILLAGE - MOHGULI P.S NORTH
LAKHIMPUR
DISTRICT- LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MS. PRATHANA BORAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

11.03.2024

Heard Mr. K. Boruah, learned counsel for the petitioners. Also heard Mr. K.K. Das, learned Addl. P.P, Assam.

This is an application under Section 439 of the Cr.PC, 1973 for granting regular bail to the petitioners, i.e., Md. Ansarul Islam, Mustt. Anjuma Begum, Md. Fulzar Hussain and Md. Roshidul Islam, who were arrested in connection with Bihpuria P.S. Case No. 11/2024 registered under Sections 120(B)/406/420/489(B)/489(C) of IPC.

The case of the prosecution is that on 22.01.2024, an FIR was lodged before the jurisdictional Police Station stating inter alia that upon receipt of information from a reliable source to the effect that one boy and a lady were carrying some suspected materials suspected to be fake gold, the Police party went and arrested them, who were travelling in a night super and upon search, some small pieces of suspected to be gold were recovered from the petitioner No. 1, which was carried inside his shoe and on search from the petitioner No. 2, a gold colour boat shaped metal piece suspected to be fake gold was recovered. Accordingly, FIR was registered.

Mr. K. Boruah, learned counsel for the petitioners submits that the petitioner Nos. 1 to 3 were arrested on 23.01.2024 and the petitioner No. 4 was

arrested on 26.01.2024 and accordingly, they have been languishing in jail since last 49 and 46 days respectively. He further submits that considering their length of detention, the prayer for bail should be granted.

Mr. K.K. Das, learned Addl. P.P on the other hand strongly opposes the prayer for bail. He further submits on the basis of the materials available in the Case Diary that there are implicating materials available collected by the I.O during investigation against the petitioners. He further submits that there are materials indicating that the petitioner Nos. 1 to 3 are regularly involved in similar offences.

I have heard the submissions made at the bar and have perused the materials available on record.

It appears from the materials placed before this Court that the accused persons had confessed their involvement in the crime before the Police. It further appears that the involvement reveals that there are involvement of more co-accused in the case and alongwith their other accomplices, they run a well organization of fake gold smuggling and fake currency notes smuggling in different parts of Lakhimpur District in different parts of Assam.

It further appears that the fake gold has also been recovered from the house of the petitioner No. 3. The allegations are grave and the investigation is at a very active stage. This Court accordingly is of the considered view that it would be in the interest of the investigation that the other accomplices are also apprehended. As such, the prayer for regular bail at this stage is rejected.

This disposes of the bail application.

Return the Case Diary.

JUDGE

Comparing Assistant