

GAHC010042362024



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

Case No. : Bail Appln./606/2024

RAJIB ALI AND ANR
SON OF SULAMAN ALI, RESIDENT OF VILLAGE- KATHLIJHAR, POLICE
STATION- HOWLY, GHILAJHARI, DISTRICT- BARPETA ASSAM

2: JAHIDUL ISLAM
SON OF ANSAR ALI
RESIDENT OF VILLAGE- KATHLIJHAR
POLICE STATION- HOWLY
GHILAJHARI
DISTRICT- BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

11.03.2024

Heard Mr. M. Ahmed, learned counsel for the petitioners. Also heard Mr.

K.K. Das, learned Additional Public Prosecutor, Assam.

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for release on regular bail of the accused petitioners, i.e. 1. Rajib Ali and 2. Jahidul Islam, who were arrested on 04.01.2024, in connection with Basistha P.S. Case No. 04/2024, registered under Section 120(B) /420 / 511 /489A/489C of the IPC.

The case of the prosecution is that upon receiving information to the effect that fake gold currency is being transported, a team was formed including the informant of the case, along with other official and thereafter, a Maruti vehicle was stopped and searched, wherefrom one Boat shaped golden coloured metal fake gold weighing 1627.0 grams, (1.627 kgs,) 80 Nos. of 500 Fake Indian Currency Notes and 73 Nos. of Rs. 500 Fake Indian Currency Notes, apart from other materials were seized.

Mr. M. Ahmed, learned counsel for the petitioners submits that the petitioners, who were the drivers of the said vehicle, were totally innocent and has nothing to do with the alleged offence.

He further submits that they have been languishing in jail for the last 67 days.

Mr. K.K. Das, learned Additional Public Prosecutor, Assam, on the other hand, strongly opposes the prayer for bail.

He submits that incriminating materials have been collected by the Investigating Officer.

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

It appears that the statements of the petitioners have been recorded under Section 161 Cr.P.C.

It further appears that the petitioners have been languishing in the jail for the last 67 days.

It further appears that the Fake Currency Notes and the fake gold have already been seized.

Considering the length of detention and that the items having been already collected, this court is of the considered view that further detention of the petitioners is not justified.

Accordingly it is, provided that the accused petitioners named above, shall be released on bail in connection with the above noted case with a bail bonds of Rs. 30,000/- each with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), subject to the conditions that:-

- (i) the accused petitioners shall co-operate in the investigation;
- (ii) the petitioners shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from deposing against the petitioners in the pending trial against them; and
- (iii) the petitioners shall refrain from committing any offence similar to that with which he has been accused of in the instant case.

Return the case diary.

With the above observation, this bail application is hereby disposed of.

JUDGE

Comparing Assistant