

GAHC010047802024



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

Case No. : Bail Appln./686/2024

UGYEN CHODA
S/O KOTA DAZA
R/O KHERI
P.S. TASHIGANG
DIST. TASHIGANG, BHUTAN

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR D MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 08.04.2024

Heard Mr. K. Thakur, 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, 1973, praying for grant of bail to the accused/petitioner, who has been arrested in connection with Garchuk P.S. Case No. 62/2024, under Sections 420/489(B)/ 489(C) of the Indian Penal Code.

It is submitted by Mr. K. Thakur, learned counsel for the petitioner, that the petitioner is innocent and he is no way connected with the alleged offence. Rather he has been made a scapegoat in connection with this case. The bag was carried by 2 (two) other persons and he only came to book ticket for them. While the police search the bag and finding the accused/ petitioner, he got arrested in connection with this case. He is behind the bar since last 20.02.2024 and thus, the I.O. got sufficient opportunity to interrogate him in custody. Further he submitted that the accused/petitioner was also under police custody for 5 (five) days. However, he is still ready and willing to co-operate with the I.O. in the further investigation of this case as and when his co-operation will be required.

In this context, Mr. P. Borthakur, learned Additional Public Prosecutor, has submitted that this is a case of fake currency and the fake notes amounting to Rs. 18 Lakhs were recovered from the possession of the present accused/petitioner, who is a foreign national from Bhutan. From the report received by the I.O. from the State Bank of India, it is seen that those notes, which were carried by the present accused/petitioner, are found to be xerox/scanned copy and thus, the question arises as to why he was carrying such huge amount of fake currency.

In this connection, Mr. K. Thakur, learned counsel for the petitioner, has submitted that the accused/petitioner is not connected with those fake currency notes and more so, those were not the counterfeited fake currencies and those were xerox/scanned copies which cannot be used in market or other places.

After hearing the submissions made by the learned counsels for both sides, it is seen that as per the report of the State Bank of India, the currency notes, which were recovered from the possession of the accused/petitioner, were all xerox/scanned copy and there is no report that those were counterfeited fake currency. However, it is seen that the accused/petitioner was in police custody for 5 (five) days and since 22.02.2024, he is in judicial custody and thus, the I.O. got ample opportunity to interrogate him in custody. There is no note from the I.O. also as to whether there is any involvement of other persons who are yet to be booked in connection with this case.

In view of above and also considering the entire aspects of the case as well as the progress of the investigation, viz-a-viz the period of detention already undergone by the accused/petitioner, I find that further custodial interrogation of the present accused/ petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- (Rupees twenty thousand) only with 2 (two) sureties of like amount, one surety has to be a government servant, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, the accused/petitioner, namely, Ugyen Choda, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (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 Chief Judicial Magistrate, Kamrup (M), Guwahati, without prior permission.

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

JUDGE

Comparing Assistant