

GAHC010053402024



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

Case No. : AB/670/2024

NUR MOHAMMAD @ NUR MAHAMMAD
S/O MAKBUL HUSSAIN
R/O VILL- SAGUNMARI PART-IV,
P.O. BILASIPARA,
P.S. BILASIPARA,
DIST. DHUBRI, ASSAM,
PIN-783348

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A A R KARIM

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

19.03.2024

Heard Mr. A.A.R Karim, learned counsel for the petitioner. Also heard Mr. D. Das, learned Addl. P.P. for the State respondent.

2. This is an application under Section 438 of the Code of Criminal Procedure, 1973 for seeking pre-arrest bail to the accused/petitioner, namely, **Nur Mohammad @ Nur Mahammad**, who is apprehending arrest in connection with **Gauripur P.S. Case No. 49/2024**, registered under Sections **120(B)/420/489(A) /489(C)/489(D) IPC** corresponding to G.R. No. 163/2024.

3. The case diary as called for is placed before this Court.

4. The case of the prosecution in brief is that on 18.02.2024, an FIR was lodged alleging inter-alia that on 17.02.2024, on a specific information, that some accused persons coming towards Gauripur with suspected fake notes, a search operation was conducted wherein, a white colour Wagon R vehicle bearing Registration No. AS-16 G-9680 was coming from Alomganj towards to Dhubri was stopped by signal. After searching the vehicle, police recovered 9 numbers of suspected denomination of Rs. 500/- totaling approximately Rs. 4,500/- and one bottle suspected chemical with 4 Nos. mobile handset. Accordingly, the aforesaid items were seized and a case was registered.

5. Mr. A.A.R. Karim, learned counsel for the petitioner submits that the petitioner is not named in the FIR and nothing was recovered from his possession.

6. Mr. D. Das, learned Addl. P.P. for the State respondents on the other hand strongly opposes the prayer of bail. He further submits that the investigation is under active stage and the call data records of all the accused petitioners are awaiting. He further submits that the case diary reveals that the petitioner is the prime accused and the mastermind of the case. He further submits that the petitioner is involved in a number of similar cases. He further submits that there

are adverse materials available against the antecedent of the petitioner in the case diary.

7. I heard the submission made at the Bar and I have perused the materials available on record.

8. It appears from the materials available on record that the petitioner is the mastermind and the prime accused in the offence alleged. It further appears that there are adverse materials available against the antecedent of the petitioner in the case diary. It further appears that the investigation is at an active stage. As such, custodial interrogation of the petitioner is essential to unearth the truth.

9. Accordingly, the prayer for anticipatory bail stands rejected.

10. This disposes of the anticipatory bail application.

Send back the case diary.

JUDGE

Comparing Assistant