

GAHC010063752024



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

Case No. : Bail Appln./932/2024

MD. ANSARUL ISLAM AND 3 ORS.
S/O MD. SAHAR ALI
R/O VILL- MOHGULI, P.S. NORTH LAKHIMPUR, DIST. LAKHIMPUR, ASSAM

2: MUSTT. ANJUMA BEGUM
W/O MD. BAHARUL ISLAM
R/O VILL- MOHGULI
P.S. NORTH LAKHIMPUR
DIST. LAKHIMPUR
ASSAM

3: MD. FULZAR HUSSAIN
S/O AFAJ UDDIN
R/O VILL- SONAPUR RESERVE GAON
P.S. BIHPURIA
DIST. LAKHIMPUR
ASSAM

4: MD. ROSHIDUL ISLAM
S/O RAHIM UDDIN
R/O VILL- MOHGULI
NORTH LAKHIMPUR
DIST. LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. K BORUAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI**

O R D E R

09.04.2024.

Heard Ms. P. Borah, learned counsel for the petitioners. Also heard Mr. D. Das, learned Addl. Public Prosecutor, Assam for the State respondent.

2. This is an application under Section 439 of the Cr.P.C., for granting regular bail to the petitioners, namely, Md. Ansarul Islam, Mustt. Anjuma Begum and Md. Fulzar Hussain, who have been arrested on 23.01.2024 and petitioner Md. Roshidul Islam, who has been arrested on 26.01.2024, in connection with the Bihpuria P.S. Case No.11/2024, registered under Sections 120(B)/406/420/489(B)/489(C) of the IPC.

3. The case of the prosecution is that on 22.01.2024, an FIR was lodged stating *inter alia* that upon receipt of information from a reliable source that one boy and a lady were carrying some materials suspected to be fake gold, a Police party headed to the spot and after searching, some small pieces of suspected to be gold were recovered from the petitioner No.1, which was carried inside his shoe and on search, a gold colour boat shaped metal piece suspected to be fake gold was recovered from the petitioner No.2. It is the further case of the prosecution that on further interrogation, the petitioner No.1 stated that one Moinul Hoque and petitioner No.4 were with them and also some other gang members who are running the racket of fake gold is connected with the offence

alleged.

4. Ms. P. Borah, learned counsel for the petitioners submits that the petitioners have been wrongly implicated in the offence alleged. She further submits that the petitioner Nos.1, 2 & 3 has been languishing in the jail since last 76 days and the petitioner No.4 since last 73 days.

5. Mr. D. Das, learned Addl. P.P., Assam on the other hand strongly opposes the prayer for bail. He submits that the case diary reveals that there are adverse materials as regards the petitioners in relation to the offence alleged.

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

7. It appears that the investigation has substantially progressed. It further appears that the petitioner Nos.1, 2 & 3 was last interrogated on 23.01.2024 and the petitioner No.4 on 25.01.2024, after which they have not been interrogated. It further appears that the petitioners have been languishing in the jail since last 76 days and 73 days respectively.

8. Considering the length of detention and other circumstances of the case, this Court is of the considered view that further detention of the petitioners may not be justified for the ongoing investigation.

9. Accordingly, it is provided that the petitioners, named above, shall be released on bail in connection with the above noted case on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousands) only with one surety of like amount, for each of them, to the satisfaction of the learned CJM, Lakhimpur at North Lakhimpur.

10. The bail granted to the petitioners shall be subject to the following conditions-

- i) The petitioners will co-operate with the investigation,
- ii) The petitioners will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to any Police Officer; and
- iii) The petitioners will refrain from such activities with which they are alleged, failing which, bail orders shall stand cancelled.

11. With the above observation, this bail application stands allowed and disposed of.

12. Send back the case diary forthwith.

JUDGE

Comparing Assistant