

GAHC010066012024



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

Case No. : Bail Appln./949/2024

JABED ALI SHEIKH @ JABED ALI
S/O LT. MAHAR ALI
VILL- RAJAPARA PT.II,
P.S. BAGRIBARI,
DIST. DHUBRI, ASSAM
PIN-782126

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M U MAHMUD

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

08.04.2024

Heard Mr. M.U. Mahmud, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned Addl. Public Prosecutor, Assam appearing for the

State respondent.

2. This is a second application under Section 439 of the Cr.P.C. for granting regular bail to the petitioner, namely **Jabed Ali Sheikh @Jabed Ali**, who was arrested on 18.02.2024 in connection with **Gauripur P.S. Case No. 49/2024** under Sections **120B/420/489(A)/489(C)/ 489(D)** of the IPC.

3. 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 which was coming from Alomganj towards Dhubri was stopped by signal. After searching the vehicle, police recovered 9 numbers of suspected denomination of Rs. 500/- totalling 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.

4. It is pertinent to mention that this Court vide order dated 19.03.2024 passed in Bail Appln. No.665/2024 had rejected the bail application of the petitioner.

5. Mr. M.U. Mahmud, learned counsel for the petitioner submits that the petitioner has been languishing in jail since 19.02.2024, i.e., for 51 days. He further submits that all other co-accused, who are involved in the alleged offences have already been released on bail by the Court of Addl. Sessions Judge, Dhubri.

6. Mr. M.P. Goswami, learned Addl. P.P submits that the investigation has substantially progressed. He further submits that no adverse material as regard the antecedents of the petitioner has been collected by the Investigating Officer.

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

8. It appears from the order dated 02.04.2024 passed in Miscellaneous (Criminal) Case No.221/2024 by the Court of learned Sessions Judge, Dhubri in the bail petition filed by Ali Akbar Sheikh for granting bail to the accused Hosen Ali, that the FSL report dated 06.03.2024 issued by the Directorate of Forensic Science, Kahilipara, Guwahati goes to show that the alleged notes of denomination of Rs.500/- are genuine Indian currency notes.

9. Considering the entire facts and circumstances of the case, this Court of the considered view that further detention of the petitioner may not be justified for the ongoing investigation.

10. Accordingly, it is provided that the petitioner named above shall be released on bail, in connection with the above noted case, on furnishing bail bond of **Rs.30,000/- (Rupees Thirty Thousand)** only with one surety of like amount to the satisfaction of **learned C.J.M., Dhubri** subject to the following conditions that:-

i) The accused petitioner shall cooperate with the Investigating Officer as and when required;

ii) The accused 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 Police Officer or the Court; and

iii) The accused petitioner shall refrain from such activities with which he is alleged.

11. The Bail Application stands disposed of.

JUDGE

Comparing Assistant