

GAHC010069782024



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

Case No. : Bail Appln./972/2024

MD. JAHED ALI
SON OF KUDDUSH AKI, R/O.KAHIPARA, PS LALUK, DISTRICT
LAKHIMPUR, STATE-ASSAM

2: MD. SAHJAHAN AHMED
S/O. MOJIBUR RAHMAN

VILL- HARMOTI BOGOLI
P.S LALUK

DIST- LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

06.05.2024

Heard Mr. B. Chowdhury, learned counsel for the petitioners. Also heard Mr. K.K. Parashar, learned Addl. P.P.

2. This is an application under Section 439 of the Cr.P.C for granting regular bail to the petitioners, namely, Md. Jahed Ali and Md. Sahjahan Ahmed, who have been arrested on 14.03.2024 in connection with the Bihupuria P.S. Case No.11/2024 (corresponding to GR Case No. 46/2024), 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 co-accused, 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 co-accused. It is the further case of the prosecution that on further interrogation, the co-accused stated that one Moinul Hoque and co-accused were with them and also some other gang members who are running the racket of fake gold is connected with the offence alleged.

4. Mr. B. Chowdhury, learned counsel for the petitioners submits that the petitioners have not been named in the FIR and that they have been wrongly implicated in the offence alleged. He further submits that the petitioners have

been languishing in jail since last 54 days.

5. Mr. K.K. Parashar, learned Addl. P.P on the other hand strongly opposes the prayer for bail. He submits that the petitioners have been suspected to be involved in the alleged offence on the basis of the forwarding report submitted.

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

7. It appears that this Court had earlier granted bail to the co-accused who were named in the FIR by Order dated 09.04.2024 in Bail Appln. No. 932/2024 and other accused not named in the FIR by Order dated 09.04.2024 in Bail Appln. No. 581/2024.

8. A perusal of the aforesaid two orders passed by this Court indicates that considering the investigation having been substantially progressed and the length of detention, bail was granted to the petitioners.

9. In the present case, it appears that the petitioners have been languishing in jail since last 54 days. It appears that the petitioners are not named in the FIR.

10. 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 on-going investigation.

11. 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.

12. 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.

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

JUDGE

Comparing Assistant