

GAHC010081712024



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

Case No. : Bail Appln./1178/2024

BINEET BARDHAN
S/O CHANDAN BARDHAN
R/O LALGANESH, B/L-03,
H.NO.02, ROLLING MILL
P.S. FATASHIL AMBARI, GHY-34
DIST. KAMRUP (M), ASSAM

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**

10.05.2024

Heard Mr. K. Thakur, learned counsel for the petitioner. Also heard Mr. B. Sharma, 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 Fatasil Ambari P.S. Case No. 104/2024, under Sections 489B/489C of the Indian Penal Code.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. Thakur, learned counsel for the petitioner, that the petitioner is innocent and he was not having knowledge about the cash he exchanged with one person, which was the counterfeited currency, rather he became a scapegoat. He further submitted that he received the said counterfeited currency from the accused person without doing any verification. Further he submitted that the accused/petitioner was also in police custody and since 20.03.2024, he is in judicial custody and thus the I.O. got sufficient time for his custodial interrogation. But, after his police remand, the petitioner was never interrogated by the police while he was in judicial custody. However, he is ready and willing to co-operate with the I.O. as and when his co-operation will be required.

In this context, Mr. B. Sharma, learned Additional Public Prosecutor, has submitted that there are sufficient incriminating materials against the present accused/petitioner, who was caught red handed by some local people while he was trying to give the fake currency note to one shopkeeper. From his possession, the police also recovered 47,000 of fake currency note. However, till date, no FSL report has been received by the I.O. to confirm as to whether the currency with 500 denomination, which were recovered from the house of the

accused/petitioner, was a counterfeited fake currency note or not.

Considering the submissions made by the learned counsels for both sides and also on perusal of the Case Diary, it is seen that there are some incriminating materials against the present accused/petitioner and he was also caught red handed by the local people while he was trying to give 500 fake currency note to a shopkeeper.

However, considering the length of detention already undergone by the accused/petitioner, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner keeping him in custody and accordingly, 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. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, the accused/petitioner, namely, Bineet Bardhan, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall fully co-operate with the I.O. in the investigation of the aforesaid P.S. Case and shall make himself available for interrogation by the I.O. 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