

GAHC010089232024



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

Case No. : Bail Appln./1300/2024

SAFIRUDDIN @ SAFI
S/O AYNAL HOQUE
VILL- RESERVE GAON
P.S. BIHPURIA
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 15.05.2024

Heard Mr. F. Haque, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Addl. P.P., Assam for the State respondent.

This is an application under Section 439 of the Cr.P.C. for granting bail to the petitioner, namely, Safiruddin @ Safi who is in custody since 18.03.2024 in Connection with Bihpuria P.S. Case No. 48/2024 (Corresponding to G.R. Case No. 175/24) registered under Sections 120(B)/406/420/34 of the IPC with added Sections 489-B/489-C of the IPC.

It is submitted by Mr. F. Haque, the learned counsel for the petitioner that the petitioner is no way

involved with the alleged offence and on the basis of the statement of the co-accused persons the present petitioner was arrested. Police also recovered and seized two mobile handsets and one half piece golden colour boat weighing 1.020 gram from the possession of the accused petitioner. Apart from that he is not involved with the alleged offence. However, the petitioner is behind the bars for 57 days from the date of his arrest and therefore he may be enlarged on bail. Mr. Haque further submitted that Section 489(B) and 489 (C) of the IPC was subsequently added in this case. But, the allegation against the present accused/ petitioner do not attract a case under Section 489(B) and 489(C) of the IPC.

In this context, Mr. Borthakur the learned Addl. P.P. has submitted that from the available materials in the C.D. the present petitioner along with other co-accused person are fully involved with the alleged offence. However, no fake currency has been recovered from the possession of the petitioner. It is further submitted that his further custodial interrogation may be necessary to unearth some more facts of this case.

Considering the submissions of the learned counsel for both the sides, without going by the merit of the case and only considering the length of detention of the present petitioner, I find that the Investigating Officer got sufficient opportunity to interrogate the accused petitioner. Hence, further custodial interrogation of the petitioner is not necessary in this case for the purpose of investigation.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of the like amount to the satisfaction of the learned CJM, Lakhimpur, North Lakhimpur the petitioner, named above, be enlarged on bail, subject to the following conditions :

1. that the accused petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
 2. 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
 3. that the petitioner shall make himself available for interrogation by the I.O. as and when required;
- The bail application is disposed of.

JUDGE

Comparing Assistant