

GAHC010089372024



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

Case No. : AB/1174/2024

NUR MOHAMMAD @ NUR MAHAMMAD
S/O MAKBUL HUSSAIN,
VILL.- SAGUNMARI PART- IV, P.O.- BILASIPARA, P.S.- BILASIPARA, DIST.-
DHUBRI, ASSAM, PIN- 783348.

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. A A R KARIM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 16.05.2024

Heard Mr. A. A. R. Karim, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of Cr.P.C. seeking for pre-arrest bail in favour of the accused petitioner, i.e. Sri Nur Mohammad @ Nur

Mahammad, who is apprehending arrest in connection with Gauripur P.S. Case No. 49/2024 registered under Section 120(B)/ 420/ 489(A)/ 489(C)/ 489(D) IPC. corresponding GR No. 163/2024.

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 specific information that some accused persons coming towards Gauripur with suspected fake notes, a search operation was conducted wherein a white colour Wagonr vehicle bearing Registration No. AS-16G-9680 which was coming from Alomganj to Dhubri was stopped by signal. After searching the vehicle, police recovered 9 Nos. of suspected denomination of Rs. 500/-, totalling approximately Rs. 4,500/- and one bottle suspected chemical with 4 Nos. of mobile handset.

Accordingly the aforesaid items were seized and a case was registered.

Mr. A. A. R. Karim, learned counsel for the petitioner submits that the petitioner was not travelling in the said vehicle from which the aforesaid materials have been seized.

He further submits that the petitioner is totally innocent and has no involvement in the offence alleged.

Mr. D. Das, learned Additional Public Prosecutor on the other hand strongly opposes the prayer for Anticipatory Bail.

He submits that from the statements of the seizure witnesses recorded under Section 161 Cr.P.C, it appears that the petitioner along with two other persons are actively involved in fake currency business.

He further submits that the investigation has substantially progressed.

I have heard the submissions made at the bar and perused the materials

available on record.

It appears from the materials available in the case diary that the FSL report dated 06.03.2024 issued by the Directorate of Forensic Science, Kahilipara indicates that the seized notes of denomination of Rs. 500/- are genuine Indian Currency Notes.

It further appears that the petitioner was not travelling in the vehicle from which the suspected materials were seized.

Considering that the seized currencies having been reported to be genuine, this Court of the considered view that the custodial interrogation of the petitioner may not be necessary for the ongoing investigation of the case.

Accordingly, it is provided that in the event of arrest, the petitioner named above, shall be released on pre-arrest bail in connection with the above noted case, on furnishing bail bond of Rs. 30,000/- with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:-

i) That the petitioner shall appear before the Investigating Officer within 10 days, failing which on and from the 11th day, the interim-pre arrest bail order shall have no force;

ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any Police Officer.

iii) That the petitioner shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

Return back the case diary.

Disposed of.

JUDGE

Comparing Assistant