

GAHC010091752024



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

Case No. : Bail Appln./1324/2024

MUKADUL ISLAM
S/O ALALUDDIN,
RESIDENT OF VILLAGE NO. 2 SONAPUR, PS BIHPURIA, DIST LAKHIMPUR,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR. N HASAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 10.05.2024

Heard Mr. N. Hasan, 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, Mukadul Islam who is in custody since 17.03.2024 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 the learned counsel for the petitioner Mr. N. Hasan that the petitioner is no way involved with the alleged offence. Initially the case was registered under Section 120(B)/406/420/34

with the allegation of recovery of some fake gold boat from the possession of the co-accused which were brought to be given to the accused petitioner who deals with the business of fake gold. Subsequently, Section Sections 489-B/ 489-C of the IPC was added. However, no victim has been identified by the Investigating Officer who has been cheated by the present accused petitioner selling fake currency note to frame charge under Section 489-B/489-C of the IPC.

Mr. Hasan further submitted that no fake currency note has been recovered from the possessions of the petitioner. Accordingly, it is submitted that further custodial interrogation of the accused petitioner is not at all necessary. Mr. Hasan further submitted that the accused petitioner is in custody since last 55 days and considering the length of detention the petitioner may be enlarged on bail.

In this context Mr. P. Borthakur, the learned Addl. P.P. has submitted that there are sufficient incriminating materials against the present petitioner in the case diary and he is not only involved with gold selling business but also on the basis of his statement one machine for printing fake currency note has also been recovered from one of the co-accused N. Mohammad. He further submits that such kind of offences are going on in Bihpuria Area and he raised objection on the prayer for bail considering the length of detention.

After hearing the learned counsel for both the sides, it appears that the accused is not involved in the business of fake gold but also there is allegation of recovery of fake currency note along with the machine from the co-accused of the petitioner as per information of the present petitioner. It can not be denied that such type of occurrence is going on in the Lakhimpur and Bihpuria area. It is seen that during investigation, the Investigating Officer could not identify the victim but, during investigation fake gold and a machine for printing fake currency note were recovered from the possessions of the accused persons on being led by the present accused/ petitioner.

Accordingly, considering the submissions of the learned counsel for both the sides, I find that further custodial interrogation of the accused/ petitioner may be necessary to unearth some more facts of the case. Hence, I am of the view that this is not a fit case where bail can be extended to the accused /petitioner at this stage and accordingly, the same stands rejected.

The bail application stands disposed of.

JUDGE

Comparing Assistant