

GAHC010091972024



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

Case No. : Bail Appln./1341/2024

TAMIR ALI
S/O SAMSUL HAQUE, R/O VILL- NO 2 KARUNABARI, P.S.-LALUK, DIST-
LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N HASAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

10.05.2024

Heard Mr. N. Hasan, learned counsel for the petitioner. Also heard Mr. P. Borthakur, 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 Bihpuria P.S. Case No. 40/2024, under Sections 120(B)/406/420 /489-B/489-C of the Indian Penal Code.

It is submitted by Mr. N. Hasan, learned counsel for the petitioner, that the accused/petitioner is innocent and he is not at all involved in the alleged offence. He was arrested in connection with this case merely on suspicion and since 12.03.2024, he is in custody and hence, considering his length of detention, he may be enlarged on bail. He further submitted that the other co-accused persons, who are also arrested in connection with this case, are already granted with the privilege of bail by this Court and accordingly, on the principle of parity, the present accused/petitioner may also be enlarged on bail. He further submitted that Sections 420 & 489 IPC also do not attract against the present accused/petitioner and accordingly, he prayed that considering the length of detention as well as on the ground of parity, the petitioner may be enlarged on bail.

In this context, Mr. P. Borthakur, learned Additional Public Prosecutor, has submitted that from the F.I.R. itself, it is seen that the present accused/petitioner is directly involved in the alleged offence and from his possession, 38,000 of fake

currency notes were recovered with 500 denominations. Thus, the present offence can also be considered as an economic offence and hence, only considering the length of detention, the present accused/petitioner may not be enlarged on bail.

After hearing the submissions made by the learned counsels for both sides and also on perusal of the case record, it is seen that there are some incriminating materials against the present accused/petitioner. However, it is also seen that the I.O. did not sought for police remand of the present accused/ petitioner while he was in judicial custody and hence, without going by the merit of the case, I find that the I.O. got sufficient opportunity to interrogate the present accused/petitioner keeping him in custody and therefore, considering this aspect of the case and also on the ground of parity, 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, Lakhimpur, the accused/petitioner, namely, Tamir Ali, 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, Lakhimpur, without prior permission.

In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant