

GAHC010107872024



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

Case No. : AB/1428/2024

MD. MALEK ALI @ ABDUL MALEK
S/O OMAR ALI, VILL- MOGHULI BORGOLA, P.S.-NORTH LAKHIMPUR,
DIST- LAKHIMPUR, ASSAM, PIN - 787052

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MAHIBUR RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

18.06.2024

Heard Mr. R. Rahman, the learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State of Assam.

By this application under Section 438 Cr.P.C., the petitioner, namely, **Md. Malek Ali @ Abdul Malek** is seeking pre-arrest bail in connection with North Lakhimpur Police Station Case No. 44/2024 under Section 489(A)/489(C) of IPC.

Case diary is received. Perused the same.

From the case diary, it is seen that initially from the possession of one Md. Abu Hanifa, fake Indian currency notes totaling Rs. 37,88,000/- were recovered. During the course of investigation another amount of Rs. 40,000/- Indian currency notes in the denomination of Rs. 500/- were recovered from one Mijanur Rahman and accordingly, he was arrested.

During the course of investigation, it was also found that the Abdul Hai is also involved with Mijanur Rahman and Abu Hanifa and he was earlier arrested in connection with Rangia PS Case No. 379/2022 involving commission of offence in manufacturing of fake currency notes.

The material so far collected suggests that a large group is involved in committing the offences of manufacturing and distributing the fake Indian currency note and fake gold. One of them is the present petitioner, and he is also named in the FIR. Some of the accused involved are yet to be arrested.

That being the position, this Court is of the view that the petitioner has not been able to make out a case for grant of privilege of pre-arrest bail. Accordingly, the prayer for pre-arrest bail of the petitioner stands rejected. However, while parting with the record, it is made clear that the observations made in this order is for the purpose of consideration of the prayer of bail only and same should not be treated as affirmation of merit of the prosecution case.

With the aforesaid determination and observations, this bail application stands dismissed.

Case diary be returned back to the learned Additional Public Prosecution.

JUDGE

Comparing Assistant