

GAHC010110052024



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

Case No. : Bail Appln./1601/2024

SIRAJUL ALOM
S/O MD. ABBAS ALI
VILL- HAMLAKUR
P.S. MUKALMUH
DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR M H AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 26-06-2024

Heard Mr. M.H. Ahmed, learned counsel for the petitioner Sirajul Alom.

2. The petitioner has filed this application under Section 439 of the Code of Criminal Procedure, 1973 (CrPC for short) with prayer for bail as the petitioner is behind bars since 25.05.2024 in connection with Jalukbari Police Station Case

No. 259/2024 under Sections 120(B)/420/489(A)/489(C)/511 of the Indian Penal Code, 1860 (IPC for short).

3. Heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioner is that he was involved in circulation of fake Indian currency notes. It is submitted on behalf of the petitioner that he is the driver of the vehicle which was apprehended with fake currency notes. The petitioner is innocent. Furthermore, it is submitted that the petitioner has been languishing in jail for 31 (Thirty One) days. He has to take care of his old and ailing mother and he has purchased his vehicle by procuring a loan. He is paying EMI and he will suffer immensely if he is behind bars.

5. The learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioner. He is complicit and investigation is still at its nascent stage. It is further submitted by the learned Additional Public Prosecutor that investigation will be adversely affected if the petitioner will be enlarged on bail.

6. I have considered the submissions at the bar. I have also scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner. I have also considered the submission of the petitioner that he has to take care of his old and ailing mother. I have also considered the progress of investigation and the submission that the petitioner is willing to cooperate with the remaining part of the investigation.

7. Considering all aspects and in view of my foregoing discussions, petition is allowed.

10. The petitioner shall be enlarged on bail on furnishing a bail bond of

Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) under the conditions that:

- (i) The petitioner shall refrain from such activities with which he is alleged.
- (ii) The petitioner shall appear before the Investigating Officer after every fifteen days and cooperate with the investigation.

11. On breach of any of the bail conditions, bail order shall stand cancelled.

12. In the above terms, this Bail Application stands disposed of.

13. Send back the Case Diary.

JUDGE

Comparing Assistant