

GAHC010126912024



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

Case No. : Bail Appln./1839/2024

MAINUL HAQUE
S/O RAHAM ALI
R/O VILL-LALUK LAKHIMPUR
P.O. DHARAMPUR
P.S. LALUK
DIST. LAKHIMPUR
ASSAM
PIN NO. 784160

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : F K R AHMED
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

16.07.2024

Heard Mr F K R Ahmed, learned counsel for the petitioner, Mainul Haque, who has

filed this application under Section 439 CrPC, with prayer for bail, as he is behind bars since 01.06.2024, in connection with Dispur PS Case No. 540/2024, under Sections 489(B)/489(C)/34 of the Indian Penal Code, 1860, subsequently added Sections 489(A)/489(D) of the Indian Penal Code, 1860, corresponding to GR Case No. 31169/2024.

3. Heard Mr M P Goswami, learned Additional Public Prosecutor for the State of Assam/respondent.

4. The learned Additional Public Prosecutor has raised serious objection against the bail petition stating that there are incriminating materials in the Case Diary against the petitioner. It is submitted that investigation may be adversely affected as the petitioner is involved in circulating fake Indian currency notes with the help of 15 or 16 members of a gang and some of the members are yet to be apprehended in connection with such offence.

5. The FIR unfolds that a search operation was conducted at House No 2, Das Residency, Sarumataria and 695 fake Indian Currency Notes of the denomination of Rs. 500 were recovered along with an electronic machine and a scooty from the possession of the accused named in the FIR.

6. It is submitted on behalf of the petitioner that the prime accused has already been released on bail and the petitioner may also be released on bail on the ground of parity.

7. I have also scrutinized the Case Diary. Indeed there are incriminating materials

against this petitioner.

8. However, I have considered the submission on behalf of the petitioner that he is willing to cooperate with the remaining part of investigation.

9. It is also submitted that the petitioner will abide by any stringent bail conditions if imposed upon him.

10. The petitioner is a local resident and he is not a flight risk. I have also considered the progress of investigation.

11. In view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/-, with a suitable surety of the like amount to the satisfaction of the learned Elaka Magistrate, under the conditions that-

- i) the petitioner shall refrain from such activities with which he is alleged, and
- ii) the petitioner shall not tamper with the evidence and jump the bail.

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

12. With the above directions, this bail application stands disposed of.

13. Send back the Case Diary.

JUDGE

Comparing Assistant