GAHC010132042024

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

Case No. : Bail Appln./1923/2024

ARSHIMA BEGUM
D/O RAFIKUL ISLAM
R/O BALITIKA, P.S. LALUK
DIST.LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

15.07.2024

Heard Mr H K Das, learned counsel for the petitioner, Arshima Begum, who has filed this application under Section 439 of the Code of Criminal Procedure, 1973, with prayer for bail, as she is behind bars since 14.06.2024, in connection with North Lakhimpur PS Case No. 161/2024, under Section 120(B)/406/420/489 B/489 C of the Indian Penal Code.

2. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam.

3. The FIR unfolds that on 12.06.2024, the Officer-In-Charge of North Lakhimpur Police Station submitted an FIR through WhatsApp, stating that the owner of the vehicle bearing Registration No. AS507W-1696, has gone to Naharlagun from Lakhimpur and was hiding within the jurisdiction of Dolohat Police Outpost. The informant then registered a GD Entry and proceeded along with his staff to Balitika Village. Meanwhile, the vehicle was recovered in the house of the accused Rejanur Rahman and the vehicle was seized in connection with this case. Rezanur also admitted his complicity. 238 fake Indian Currency Notes of the denomination of Rs. 500 and two motorcycles bearing Registration Nos. AS07T-3361 (Pulsar Model) and AS22D-3404 (Yamaha Model) were also found as seized in connection with this case. The main accused Muzamil Islam and Asadul Ali fled from the place of occurrence before the Police reached the place of occurrence.

4. It is submitted on behalf of the petitioner that she is the wife of the main accused Muzamil Islam.

5. The learned Additional Public Prosecutor has raised serious objection stating that the petitioner is complicit. There are incriminating materials against the present petitioner. He has raised serious objection against the bail petition.

6. I have scrutinized the Case Diary. Indeed there are incriminating materials in the

Case Diary against the present petitioner.

7. Investigation has progressed to a considerable extent. It appears that further custodial detention may not be required.

8. I have considered the submission that the petitioner is willing to cooperate with the remaining part of investigation and abide by any stringent bail conditions.

9. 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 she is alleged,

ii) the petitioner shall cooperate with the investigation, and

iii) the petitioner shall not leave the jurisdiction of the Court, without prior permission.

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

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

11. Send back the Case Diary.

JUDGE

Comparing Assistant