

GAHC010134652024



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

Case No. : Bail Appln./1965/2024

DIPJYOTI BEZBARUAH AND ANR
S/O- LATE PIPIN BEZBARUAH, VILL- JANIGOG, P.S- NALBARI DIST-
NALBARI, ASSAM,

2: MOHAMMAD SHARIFUL ALOM
S/O- ATAWAR RAHMAN KHAN
R/O-BETBARI
P.S- BARPETA
DIST- BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 18-07-2024

- 1.** Heard Mr. R. Ali, learned counsel for the petitioners. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State.

2. This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioners, namely, *1. Dipjyoti Bezbaruah and 2. Mohammad Shariful Alom*, who have been detained behind the bars since 14.06.2024 (for last 35 days) in connection with Ratabari P.S. Case No. 131/2024 under Sections 120(B)/420/406/409 of the Indian Penal Code.

3. The gist of accusation in this case is that on 13.06.2024, one Suroj Dutta, SI of Police of Ratabari Police Station had lodged an FIR, *inter alia*, alleging that a huge amount of unaccounted cash amounting to Rupees Fifty Lakh in 500 denomination were recovered from the possession of Manager of Canara Bank, Hailakandi Branch inside a car and the said amount was taken for exchange with Rs.2,000/- Indian Currency note which is not in circulation.

4. The learned counsel for the petitioners has submitted that the petitioners are in no way involved in offence alleged in the FIR and they were arrested on 14.06.2024 while they were taking tea in a Tea Stall. He has also submitted that in the meanwhile the money has already been recovered and the Branch Manager of Canara Bank was arrested and has been released on bail and out of 6, 4 co-accused have already been released on bail.

5. The learned counsel for the petitioners has also submitted that considering the period of detention, the present petitioners they may not be further detained in connection with Ratabari P.S. Case No. 131/2024.

6. On the other hand, learned Additional Public Prosecutor has produced the case diary of Ratabari P.S. Case No. 131/2024 and has submitted that in the meanwhile the money in question has already been seized and the investigation

has fairly progressed.

7. Considering the submissions made by the learned Additional Public Prosecutor as well as considering the materials available including the case diary of Ratabari P.S. Case No. 131/2024 as well as considering the period of detention already undergone by the above named petitioners, this Court is opinion that further custodial detention of the above named petitioners may not be required for completion of the investigation of Ratabari P.S. Case No. 131/2024.

8. In view of the above, both the above named petitioners are allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) each with one surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Karimganj, Assam with following conditions:-

- i. That the petitioners shall cooperate in the investigation and shall appear before the Investigating Officer;
- ii. That the petitioners shall not directly or indirectly make any inducement, threat or promise to any other persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts before the Investigating Officer.

9. With the above observation, this bail application is disposed of.

10. Send back the case diary.

JUDGE

Comparing Assistant