

GAHC010149642024



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

Case No. : AB/1955/2024

NUR MOHAMMED
S/O AHMED ALI, VILL- DAULATPUR, P.O.-DAULAYTPUR, P.S.-BIHPURIA,
DIST- LAKHIMPUR, ASSAM, PIN-787054

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A M AHMED, P. GHOSH

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

22.10.2024

Heard Mr. A. M. Ahmed, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with in connection with Bihpuria P.S. Case No. 48/2024.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Ahmed, that the petitioner is innocent and is no way involved in the alleged offence. He is not named as an accused in the FIR; rather, it appears that his name may have been implicated due to a dispute with the FIR-named accused, Saiful Islam. He further submitted that nothing has been seized from the petitioner. Moreover, the other co-accused who were arrested in connection with this case have already been released on bail. The petitioner is ready and willing to cooperate with the IO in the further investigation of the case if he is granted the privilege of pre-arrest bail.

In this regard, Mr. Parasar, learned Additional Public Prosecutor, has submitted that there are sufficient incriminating materials in the Case Diary against the accused/petitioner. Furthermore, the FSL report indicates that 3.32 kg of fake gold was recovered from the possession of the other co-accused is a combination of zinc and iron. The materials available in the Case Diary also

reveal that the petitioner is involved in making the crime and he is one of the member of such group for committing offences, especially in the Bihpuria, Lakhimpur area. Additionally, during the investigation, the IO seized Rs. 30,000/- (Rupees thirty thousand) only of Indian currency along with fake currency amounting to Rs. 8,500/- (Rupees eight thousand five hundred) only, as well as a printer machine for making fake currency from the possession of the present petitioner. Considering this recovery, Sections 489(B) and 489(C) were added, although the case was initially registered under Sections 120(B)/406/420/34 of the IPC. Accordingly, the learned Additional Public Prosecutor raised objections, stating that this is not a fit case to grant the privilege of pre-arrest bail to the accused/petitioner at this stage.

Considering the submissions made by the learned counsels for both sides, as well as the materials available in the Case Diary and the nature of the allegations vis-à-vis the recovery from the present accused/petitioner, I find that further custodial interrogation of the accused/petitioner may be necessary to unearth some more facts of the case. Accordingly, I am of the opinion that this is not a fit case for granting the privilege of pre-arrest bail to the accused/petitioner at this stage. Therefore, the application stands rejected.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant