

GAHC010171392024



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

Case No. : Bail Appln./2519/2024

RASHIDUL ISLAM ALIAS ROSIDUL ISLAM
S/O MD. HAJROT ALI
R/O VILL- SOLMARI,
P.O. MAGURMARI, P.S.RUPAHIHAT,
DIST. NAGAON, ASSAM,
PIN-782140

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR A N IQBAL, MR. S RAHMAN

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 18.09.2024

Heard Mr. A. N. Iqbal, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for grant of bail to the accused/petitioner, who has been arrested in connection with Manja P.S. Case No. 01/2024, under Sections 120(B)/489A/ 489B/489C/34 of the Indian Penal Code.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. Iqbal, learned counsel for the petitioner, that the present accused/petitioner is innocent and he got arrested in connection with this case only after 7 (seven) months of the occurrence. He is not at all involved in the alleged offence. Further, he is in custody since 14.07.2024 and thus, till

months, he is behind the bar for last 66 days. So, considering this aspect of the case, viz-a-viz considering the ground of parity, he may be enlarged on bail as 2 (two) of the co-accused persons are already been enlarged on bail. Further he submitted that as per the Forwarding Report, fake currencies were recovered from one i10 car and the vehicle number is also specifically mentioned, but from the information through RTO website, the vehicle number reflected in the forwarding report is one Glamour motorcycle. Accordingly, he submitted that there are also errors in the investigation of the case by the I.O. However, he is still ready and willing to co-operate with the I.O. in further investigation of this case if he is granted with the privilege of bail.

Mr. K. Baishya, learned Additional Public Prosecutor, has submitted in this regard that there are sufficient incriminating materials against the present accused/petitioner and from the materials available in the Case Diary, viz-a-viz the objection filed by the I.O., it is seen that the present accused/petitioner is the person who is mainly involved in the offence and he was caught red handed when he was trying to deliver fake currency notes amounting to Rs. 25 Lakhs to other persons. Other 2-3 persons are also involved in the entire crime, but they are yet to be arrested by the police and the investigation is still under progress and hence, he raised vehement objection in granting bail to the present accused/ petitioner.

Considering the submissions made by the learned counsels for both sides, materials available in the Case Diary and also considering the nature of offence, I do not find it a fit case to enlarge the accused/petitioner on bail. More so, the order dated 04.04.2024, passed in Bail Appln. No. 812/2024, which has been

annexed along with the present petition, was considered purely on length of detention, i.e. after expiry of statutory period. Thus, the ground of parity in such nature of case does not arise. Accordingly, the present bail application stands rejected.

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

JUDGE

Comparing Assistant