

GAHC010241082024



2024:GAU-AS:11877

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

Case No. : Bail Appln./3502/2024

AHIDUR RAHMAN AND ANR
S/O MOJIBUR RAHMAN, R/O VILLAGE CHUKULIBHORIA, P.S.
NORHTLAKHIMPUR, DISTRICT LAKHIMPUR, ASSAM

2: SABAR ALI

S/O HAIDER ALI

R/O VILLAGE CHUKULIBHORIA
P.S. NORHTLAKHIMPUR
DISTRICT LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR M HOQUE, MS J BEGUM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 29-11-2024

Heard Mr. M. Hoque, learned counsel for the petitioner Nos. 1. Ahidur

Rahman and 2. Sabar Ali, who have filed this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as they are behind bars since 12.10.2024 in connection with North Lakhimpur Police Station Case No. 309/2024 under Sections 61(2)/316(2)/318(4)/178/179/180 of Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State, who has raised objection stating that the petitioners are alleged with grave offence.

3. The FIR unfolds that the petitioners tried to exchange fake Indian currency worth Rs.8,00,000/- (Rupees Eight Lacs) for cash of Rs.1,50,000/- (Rupees One Lac Fifty Thousand) from the informant.

4. I have considered the submissions at the bar with circumspection. I have also scrutinized the Case Diary. There are incriminating materials in the Case Diary against the petitioners. However, I have considered the submission that the petitioners are willing to cooperate with the remaining part of investigation. Further custodial detention may not be required for progress of investigation.

5. Considering all aspects, petition is allowed.

6. The petitioners are enlarged on bail on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand) each with a suitable surety of like amount to the satisfaction of jurisdictional Court/Eleka Magistrate under the conditions that :

(i) *the petitioners shall refrain from such activities with which they are alleged and,*

(ii) *the petitioners shall appear before the Investigating Officer on every*

fortnight till completion of investigation.

7. On breach of any of the bail conditions, the Court is at liberty to immediately cancel the bail granted to the petitioners.
8. In terms of above observation, this Bail Application stands disposed of.
9. Send back the Case Diary.

JUDGE

Comparing Assistant