

GAHC010242532024



2024:GAU-AS:13046

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

Case No. : AB/3036/2024

MUJAMAL HUSSAIN @ MUZAMIL HUSSAIN
S/O NUR ISLAM, R/O VILLAGE BALITIKA, P.O. AND P.S. LALUK, DISTRICT
LAKHIMPUR, ASSAM, PIN 787031

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M ALI, H R KHAN, MR J. ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

19.12.2024

Heard learned counsel, Mr M Ali, for the petitioner, Mujamal Hussain & Muzamil Hussain, who has filed this application under Section 482 of the BNSS, 2023, with prayer for pre-arrest bail, as he is apprehending arrest in connection with North Lakhimpur PS Case No. 161/2024, registered under Sections 120(B)/406/420/489B/489C of the Indian Penal Code, 1860.

2. Heard Mr K K Das, learned Additional Public Prosecutor, Assam for the respondent State.
3. The allegation against the petitioner is that he is involved in dealing with fake gold and fake Indian currency notes and he had also tried to dupe one person, namely, Ved Singh Bharadwaj.
4. Learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioner.
5. I have also scrutinized the Case Diary.
6. Indeed, there are incriminating materials in the Case Diary against the petitioner.
7. It is submitted on behalf of the petitioner that the petitioner had purchased dummy currencies and receipts are annexed along with the petition. The petitioner is not a manufacturer of fake currencies. The petitioner is a genuine purchaser of dummy currencies and Annexure-3 series are the receipts of purchasing the dummy currencies online. Moreover, it is submitted that no case under Section 420 IPC has been made out as the petitioner was not caught with the fake gold. The dummy currencies were purchased by the petitioner and his brother as game for their children.
8. The petitioner being a local resident is willing to cooperate with the investigation.
9. Investigation has progressed substantially.
10. I have considered the submission that the petitioner is willing to cooperate with the

remaining part of investigation and to abide by any stringent bail conditions, if imposed upon him.

11. In view of my foregoing discussions, petition is allowed. In the event of his arrest, the petitioner shall be enlarged on bail on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand Only), with a suitable surety of like amount to the satisfaction of the arresting authority, under the conditions that:

- i) the petitioner shall appear before the IO within 1 (one) week and cooperate with the investigation,
- ii) the petitioner shall appear before the IO on every fortnight, till completion of investigation,
- iii) the petitioner shall refrain from such activities with which he is alleged, and
- iv) the petitioner shall not leave the jurisdiction of the Court, without prior permission.

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

12. Send back the Case Diary.

JUDGE

Comparing Assistant