

GAHC010275202023



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

**Case No. : Bail Appln./4450/2023**

MD. SUBHAHAN ALI @ SUBHAHSAN  
S/O- LATE BASHER ALI, R/O VILLAGE- IRON JONGLA PART - 3, P.S -  
DHUBRI, DIST- DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

**Advocate for the Petitioner : MR R ISLAM**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**  
**O R D E R**

**03.01.2024**

Heard Mr. R. Islam, learned counsel for the accused and also heard Mr. R.J. Baruah, learned Additional P.P. for State respondent.

**2.** This application, under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused, namely, Md. Subhahan Ali @ Subhahsan, who has been languishing in jail hazot since 08.07.2023, in connection with the Sessions Case No. 189/2023, arising out of Fatasil Ambari PS Case No. 149/2023, under sections 489(A)/489(B)/489(C) IPC, for granting bail.

**3.** It is to be noted here that the said case has been registered on the basis of an FIR lodged by S.I. Utpal Chutia, of Fatasil Ambari P.S. on 07.07.2023. The essence of allegation made in the said FIR is that in connection with GDE No. 205/2023 dated 07.07.2023, he, along with staffs of the P.S. have apprehended two persons, namely, Jahidul Ahmed and Subhahsan Ali and on being searched their body, they have recovered a bundle, containing 100 pieces of suspected fake Indian Currency Notes of one hundred denomination, and seized the same preparing seizure list. Accordingly, after registration of a case, investigation was carried out and on completion of investigation; the I.O. had laid charge sheet, being charge sheet No. 86 of 2023, against the accused aforesaid to stand trial in the court under section 489(A)/489(B)/489(C) IPC.

**4.** Mr. R. Islam, learned counsel for the accused submits that the accused was arrested on 08.07.2023, and since then he has been languishing in jail hazoot for last 179 days. Mr. Islam further submits that the accused is daily waged laborer and he has been falsely implicated here in this case and fake Indian Currency Note of Rs.10,000/ was recovered from the possession of the co-accused and only some white papers were seized from his rented house and that he will appear before the trial court regularly, and therefore, it is contended to allow this petition.

**5.** On the other hand Mr. R.J. Baruah, learned Addl. P.P. submits that the accused has already been charge sheeted and the learned court below has

already framed charge against the accused and now the case is pending for evidence. Mr. Baruah further submits that the offences are serious in nature, involving the economy of the country, and that there is possibility of jumping bail if he is released at this stage and therefore Mr. Baruah has contended to dismiss the petition.

**6.** Having heard the submission of learned counsel for both the parties I have carefully gone through the petition and the documents placed on record and also perused the scanned copy of the record received from the learned court below.

**7.** It appears that the accused person was arrested on 08.07.2023, and since then he has been languishing in jail hazoot. Further, it appears that after completion of investigation charge sheet has already been submitted and the learned court below has also framed charge against the accused and now the case is pending for evidence. Since the learned court below has already framed charge against the accused it cannot be said no prima-facie case is made out against the accused. The scan copy of the record of learned court below indicates sufficient incriminating materials. The offences are serious in nature involving the national economy, which the learned Addl. P.P. has rightly pointed out.

**8.** Having considered above, and also the nature and gravity of the offence, this court is of the considered view that this is not a fit case for granting the privilege of bail to the accused. Accordingly, the petition stands dismissed. However, the learned court below is directed to complete trial at the earliest possible time, without being influenced by any of the observation made herein above.

**9.** In terms of above this B.A. stands disposed of.

**JUDGE**

**Comparing Assistant**