

GAHC010283582023



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

Case No. : Bail Appln./4557/2023

SAADIK RAJA
S/O MOHD. AKHALAK
VILL- RASULPUR, CHOHRRA
P.S. CHHAJELET, DIST. MORADABAD
STATE- UTTAR PRADESH
PRESET ADDRESS-
WARD NO. 13, P.S. AND DIST. BONGAIGAON, PIN NO. 783380

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M I HUSSAIN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

29.01.2024

Heard Mr. M.I. Hussain, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Addl. P.P, Assam.

This is an application under Section 439 of Cr.PC, 1973 for granting regular bail to the petitioner, namely Saadik Raja in connection with Bongaigaon GRPS Case No. 117/2023 registered under Section 420/489A/489B/489C of Indian Penal Code, who was arrested on 30.10.2023.

The case of the prosecution is that on 30.10.2023, one Lakhi Kanta Sarkar, NK/28 of Assam Police lodged an FIR before the Officer-in-Charge of Bongaigaon GRP-I.C alleging inter-alia that upon conducting raid, they recovered fake Indian Currency Notes amounting to Rs. 3,17,000/- from the possession of the accused/petitioner. Accordingly, a case was registered.

Mr. M.I. Hussain, learned counsel for the petitioner submits that on the day of alleged occurrence, the petitioner got into the train from Bongaigaon Railway Station and sat on a seat wherefrom another unknown person got down at New Bongaigaon station. Thereafter, Police came and seized some packets kept under the seat which did not belong to the accused/petitioner but as the accused/petitioner was sitting on the seat, the Police arrested the accused/petitioner.

Mr. P. Borthakur, learned Addl. P.P fairly submits that the

accused/petitioner has been languishing in jail since last 90 days and as such, his further custody detention may not be necessary.

Considering the aforesaid submissions and the gravity of the offence vis-à-vis Article 21 of the Constitution of India, there is no justification for keeping the petitioner behind the bar during the completion of the investigation as he has already been in custody for the last 90 days.

For the aforesaid reason, particularly keeping in mind the length of detention, the petitioner namely Saadik Raja is allowed to go on bail of Rs. 30,000/- with two sureties of like amount to the satisfaction of the Judicial Magistrate 1st Class, Bongaigaon, subject to the following conditions:-

- (i) That the petitioner shall cooperate in the investigation and shall appear before the Investigating Officer;
- (ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any other persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts before the Investigating Officer.
- (iii) That the petitioner shall not leave the jurisdiction of jurisdictional Court without prior written permission.

With the above observation, this bail application is disposed of.

JUDGE

Comparing Assistant