

GAHC010105892023



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

Case No. : Bail Appln./1778/2023

JIYA UDDIN AHMED
S/O LATE NIZAM UDDIN AHMED, R/O VILL-KATANI GAON, NEAR SHIV
MANDIR, P.O.-PATHARI, P.S.-NAGAON, DIST-NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R MAJUMDAR

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

02-06-2023

Heard Mr. R. Mozumdar, learned counsel for the petitioner and Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 439 CrPC, the petitioner, namely, **Jiya Uddin Ahmed** is seeking bail in Nagaon P.S. Case No. 445/2023 registered under Sections 420/468/384 IPC corresponding to G.R. No.1567/2023, wherein, he was arrested on 06.05.2023 and since then, he is in custody.

As per the FIR of the case dated 06.05.2023 lodged before the in-Charge of Nunoi Police Out Post, by the informant Sri Naba Kr. Bania stating that he took a personal loan of Rs.1,00,000/- from the petitioner and in lieu of that, he deposited his RC, a sale letter of his vehicle (EON Magna Plus) bearing Registration No.AS-02/H-0328, his driving licence and a blank sheet, which he signed as a security and though he returned the said amount to the petitioner, it is stated that the petitioner demanded another amount of Rs.4,00,000/- and threatened the informant and his family members with dire consequences.

The informant in the FIR also stated that the petitioner threatened him and his family members saying that if he does not given him Rs.4,00,000/-, he would have to write in the blank sheet that he has taken the amount @ 20% interest per month and also threatened him to torture him. Accordingly, Nagaon P.S. Case No. 445/2023 was registered against the petitioner.

Perused the case diary produced before the Court today by Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam.

From the case diary, Mr. Goswami, learned Additional PP submitted that the petitioner used to give personal loan to several persons and used to collect interest at huge rate from the persons to whom he had already granted loan.

Considering the materials in the case diary and the period of detention of the petitioner in custody since 06.05.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Nagaon P.S. Case No. 445/2023. As such, this bail application of the petitioner in said Nagaon P.S. Case is accepted.

Accordingly, the petitioner, namely, **Jiya Uddin Ahmed**, be released on bail in said Nagaon P.S. Case No. 445/2023, on furnishing a bail bond of Rs.40,000/-, with 2 (two) local sureties of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Nagaon on conditions that the petitioner shall – **(i)** appear before the Investigating Officer of said Nagaon P.S. Case No. 445/2023 as and when he is required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of the Nagaon Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** not hamper with the investigation, or tamper with the evidence of the case and **(iv)** he shall

not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in the aforesaid Nagaon P.S. Case No. 445/2023 shall stand automatically vacated.

Return the case diary herewith.

Bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant