

GAHC010041042024



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

Case No. : Bail Appln./549/2024

DEBEN ENGTI
S/O SHRI RATNESWAR ENGTI,
R/O HOWRAGHAT, WARD NO. 2 (NEPALI BASTI), P.O. AND P.S.-
HOWRAGHAT, DIST.- KARBI ANGLONG, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM.

Advocate for the Petitioner : MR. B K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

04.03.2024

Heard Mr. B.K. Das, learned counsel for the accused and Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Shri Deben Engti**, who has been languishing in jail hazot in connection with the **Howraghat P.S. Case No. 05/2024**, under Sections 120(B)/ 420/ 406/ 409/ 383 of the IPC read with Section 7(C)(1)(2) of the Assam Money Lenders (Amendment) Act, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by SI Arindam Bora, on 19.02.2024. The essence of allegations made in the FIR is that the accused being a public servant was running the business of money lending, without any certificate, at high rate of interest.

4. Mr. Das, learned counsel for the accused submits that the accused was arrested on 19.02.2024, and since then he has been languishing in jail hazot for last 14 days. Mr. Das further submits that the accused has been serving as a Junior Engineer and being the public servant, the villagers approached him for lending money and they deposited their passbook with him as their security. Mr. Das also submits that though the case has been registered under Sections 120(B)/ 420/ 406/ 409/ 383 of the IPC read with Section 7(C)(1)(2) of the Assam Money Lenders (Amendment) Act, yet, the prime allegation against the accused is under Section 7(C)(1)(2) of the Assam Money Lenders (Amendment) Act and punishment prescribed for commission of the first offence under the said Section is with fine, which may extend up to Rs. 30,000/- and for the second or subsequent offence is with fine, which may extend to Rs. 60,000/-. Mr. Das also submits that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Barua, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the IO has collected some incriminating materials against the accused and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the accused was arrested on 19.02.2024, and since then he has been languishing in jail hazot for last 14 days. Further, it appears that the IO

has seized the relevant documents and also examined some witnesses.

8. Having considered above and also considering the nature and gravity offence and balancing the same with the period of detention, this Court is of the view that further custodial detention of the accused may not be warranted in the interest of investigation.

9. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Karbi Anglong, Diphu**, the accused be enlarged on bail.

10. In terms of above, this bail application stands disposed of.

11. The case diary be returned.

JUDGE

Comparing Assistant