

GAHC010042012024



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

**Case No. : AB/491/2024**

SUDHAN ROY  
S/O LATE NIHAR RANJAN ROY  
RESIDENT OF VILLAGE NIZ LALUK, PO AND PS LALUK, DIST  
LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM  
REP BY THE PP ASSAM

**Advocate for the Petitioner : MR. J AHMED**

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

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 01.03.2024**

Heard Mr. J. Ahmed, learned counsel for the applicant and Mr. P.S. Lahkar, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Laluk P.S. Case No. 27/2024, under Sections 120B/420/406/506/387 of the IPC, read with Section 7C(2) of

the Assam Money Lenders' (Amendment) Act, 1968, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant, namely, Sudhan Roy, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Putali Bora on 19.02.2024. The essence of allegation made in the FIR dated 19.02.2024, is that the informant had taken a sum of Rs. 6,00,000/-, with interest @ Rs. 30,000/- per month, from the applicant Sudhan Roy, in the year 2022, and the applicant had taken blank cheques with her signature, bearing Nos. 881150, 881151 and 881152, of her account maintained in the Punjab National Bank and from 2022 onwards, she has paid a sum of Rs. 2,50,000/- only being the interest, through cheque. But, on account of some difficulties, she could not pay the amount for the month of October, 2023, for which she was being threatened by the applicant and as such, she has been suffering from mental agony, and that the applicant also threatened that he will take her land on account of failing to pay the amount and many others of Laluk are also involved in similar business.

4. Mr. Ahmed, learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in the FIR, and referring to Annexure 1, page 11 of the application, Mr. Ahmed submits that the kidney of the applicant was transplanted on 24.04.2017, and that his health condition is deteriorating and he is undergoing treatment at Dispur Hospital Pvt. Ltd., and he also received notice from the I.O. concerned and appeared before the I.O. on several occasions and his statement had also been recorded, and thereafter, he was released on bail having seen his condition, and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the application.

5. On the other hand, Mr. P.S. Lahkar, learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the materials collected so far during investigation are inadequate to show the complicity of the applicant with the offence alleged in the FIR.

6. Having heard the submission of learned Advocates of both sides, I have gone through the application and the documents placed on record and also perused the case diary with the assistance of Mr. Lahkar, learned Additional Public Prosecutor.

7. In view of the materials collected so far in the case diary and also in view of the cooperation being extended by the applicant with the investigating agency and also having considered the medical condition of the applicant, this Court is inclined to allow the application.

8. Accordingly, it is provided that in the event of arrest of the applicant in connection with Laluk P.S. Case No. 27/2024, under Sections 120B/420/406/506/387 of the IPC, read with Section 7C(2) of the Assam Money Lenders' (Amendment) Act, 1968, he shall be released on pre-arrest bail on executing a bond of Rs. 50,000/- with one surety of like amount to the satisfaction of the arresting authority. The above privilege is, however, subject to the following conditions:

- (i) The applicant shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) The applicant 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 him from disclosing such facts to the Court or to any police officer; and
- (iii) The applicant shall not leave the jurisdiction of the learned C.J.M., North Lakhimpur, without prior permission.

9. In terms of above, this application stands disposed of.
10. Case diary be returned.

**JUDGE**

**Comparing Assistant**