

GAHC010042742024



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

Case No. : AB/540/2024

RAJIB KONCH
S/O- TILSWAR KONCH, RESIDENT OF VILLAGE GOBINDAPUR, POLICE
STATION DHAKUAKHANA, DISTRICT- LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. A M BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 17.05.2024

Heard Mr. A.M. Bora, learned Senior counsel, assisted by Mr. V.A. Choudhury, learned counsel for the applicant and Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Dhakuakhana P.S. Case No. 15/2024, under Sections 120B/384/392/387/406/506 of the IPC, read with

Section 7C(2) of the Assam Money Lenders' Amendment Act, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant, Rajib Konch for grant of pre-arrest bail.

3. The aforementioned case has been registered on the basis of one FIR, lodged by one Bhibhikhan Milli on 19.02.2024. The essence of allegation made in the FIR dated 19.02.2024, is that the informant had taken a loan of Rs. 1,50,000/-, with interest @ 6.67% per month from one Rajib Konch on 12.12.2013, due to his financial crisis. He used to pay interest of the aforesaid amount, but, for a few months, he could not make payment of the interest, for which Rajib Konch and his Manager, namely, Tuleswar Dutta @ Ramji had forcefully taken away his ATM card of Punjab National Bank with the passbook and also six numbers of cheques, and since then, Rajib Konch and his Manager have been withdrawing money from his account by using his ATM card and when he requested them to return his ATM card and the passbook, then they threatened him with dire consequences.

4. Mr. Bora, learned Senior counsel for the applicant submits that the applicant had been granted the privilege of interim pre-arrest bail, vide order dated 22.03.2024, and pursuant to the said order, he had also appeared before the I.O. and cooperating with the investigating agency, and therefore, a contention is being made that the interim order dated 22.03.2024, may be made absolute in the same terms and conditions.

5. On the other hand, Mr. B.B. Gogoi, the learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the applicant had appeared before the I.O. and cooperating with the investigating agency and that investigation of the case is still going on against some of the co-accused.

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. Gogoi, learned Addl. Public Prosecutor.

7. The case diary indicates that the applicant had appeared before the I.O. and cooperating with the investigating agency. It also appears that the I.O. has achieved some progress in the investigation of the case so far the present applicant is concerned. In that view of the matter, his custodial interrogation, in the interest of investigation, seems to be not warranted here in this case.

8. Accordingly, the interim order dated 22.03.2024, is hereby made absolute in the same terms and conditions.

9. In terms of above, this application stands disposed of.

10. Case diary be returned.

JUDGE

Comparing Assistant