

GAHC010046312024



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

Case No. : AB/570/2024

AMARJYOTI DEKA
S/O LALIT DEKA
R/O VILL- GOHAIN CHAPARI
BASUDEB THAN
P.S. DHAKUAKHANA
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR A KHANIKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 27.06.2024

Heard Mr. R.L. Chutia, learned counsel for the applicant and Mr. P.S. Lahkar, 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, 1968 this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, Amarjyoti Deka for grant of pre-arrest bail.

3. The aforementioned case has been registered on the basis of an FIR lodged by one Bhibhikhan Mili, 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. 1,50,000/- as loan with interest @ 6.67% per month from one Rajib Konch on 12.12.2013, and he used to pay interest amount of the money in cash. But, sometimes he could not make payment of the interest, for which Rajib Konch and his Manager Tuleswar Dutta @ Ramji have forcibly taken away his ATM card of Punjab National Bank and the passbook and six numbers of cheque with his signature and kept the same in their custody illegally and also used to withdraw money from his Punjab National Bank account, using ATM card, and that despite requests, they have not been returning the aforesaid ATM card to him and they are also harassing many poor people like him for their illegal gains.

4. Mr. Chutia, learned counsel for the applicant submits that the applicant had been granted the privilege of interim pre-arrest bail, vide order dated 06.03.2024, and pursuant to the said order, he had also appeared before the I.O. and he has been cooperating with the investigating agency, and therefore, a contention is being made that the interim order dated 06.03.2024, may be made absolute in the same terms and conditions.

5. On the other hand, Mr. P.S. Lahkar, the learned Addl. Public Prosecutor has produced the case diary before this Court and submits that there is no indication that the applicant had appeared before the I.O. But, Mr. Lahkar fairly submits that the materials collected so far in the case diary are inadequate to show any

legally prosecutable culpability of the applicant.

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 Addl. Public Prosecutor.

7. In view of the materials collected so far in the case diary and also in view of the submission of learned Advocates of both the parties, custodial interrogation of the applicant seems to be not warranted here in this case.

8. Accordingly, the interim order dated 06.03.2024, 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