

GAHC010046442024



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

Case No. : Bail Appln./643/2024

AMALENDRA RAJKHOWA
SON OF SRI JAGANNATH RAJKHOWA, RESIDENT OF PARGHALI VILLAGE,
POST OFFICE MORNOI BEBEJIYA, POLICE STATION GHILAMARA,
DISTRICT- LAKHIMPUR (ASSAM)

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR B BORA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 04.03.2024

Heard Mr. B. Bora, learned counsel for the petitioner. Also heard Mr. D. P. Goswami, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973 praying for grant of bail to the accused/petitioner, who has been arrested on 20.02.2024 in connection with Ghilmara P.S. Case No. 04/2024, under Sections 120(B)/420/406/392/387/506 of the Indian Penal Code *read with* Section 7 C (2) of the Assam Money Lenders' (Amendment) Act, 1968 (corresponding G.R. Case No. 18/2024).

It is submitted by Mr. B. Bora, learned counsel for the petitioner, that the petitioner is innocent and the F.I.R. has been lodged by the informant with some false and concocted allegation only due to some compulsion. It is a fact that the informant took Rs. 1,00,000/- (Rupees one lakh) only from him as a loan in the year 2010, which he accordingly returned in the year 2016 and no interest was claimed by the present petitioner. However, due to some compulsion, the informant lodged the present F.I.R. and at present, the informant has sworn an affidavit on oath stating that the accused/petitioner had never claim any interest from him and he is a family friend of the accused/petitioner and hence, he has no objection if the accused/petitioner is allowed to go on bail as he lodged the F.I.R. only due to some compulsion on him.

In this context, Mr. Goswami, learned Additional Public Prosecutor, has submitted that considering the statement made in the affidavit sworn by the informant, the State has no objection in the event of allowing the accused/petitioner to go on bail.

After hearing the submissions made by the learned counsels of both sides and also considering the entire aspects of the case as well as the affidavit sworn by the informant, I find that further custodial interrogation of the accused/petitioner is not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with one surety of like amount to the satisfaction of the learned SDJM(M), Dhakuakhana, Lakhimpur, the accused/petitioner, namely, Shri Amalendra Rajkhowa, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall fully co-operate with the investigation of the case and shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioner 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) that the petitioner shall not leave the jurisdiction of the learned SDJM(M), Dhakuakhana, Lakhimpur, without prior permission.

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

JUDGE

Comparing Assistant