

GAHC010047132024



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

Case No. : Bail Appln./644/2024

JAKIR HUSSAIN
SON OF - LATE MOTLIB ALI, RESIDENT OF HOUSE NO. 167, SIJUBARI
DARGAH ROAD, P.S- HATIGAON, DISTRICT- KAMRUP (M), ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY PP ASSAM

Advocate for the Petitioner : P. NAIDING

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

11.03.2024

Heard Mr. B.M. Deka, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor, Assam.

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for release on regular bail of the accused petitioner, i.e. Jakir

Hussain, who was arrested on 28.02.2024, in connection with Hatigaon P.S. Case No. 38/2024, registered under Section 120(B) /420 /421 /422 / 423 /386 / 387 /34 of the IPC.

The case of the prosecution is that on 28.02.2024, an FIR was lodged *inter-alia* alleging that as per information, an institution, namely, Saraighat Trading & Co-operative Society Ltd. where an illegal office for lending money to different people of the locality as well as others at high rate of interest by taking mortgage of valuable property were going on. After the information, the O/C jurisdictional Police Station had directed the complainant to proceed to the above mentioned spot and upon reaching there, a search was conducted at the office of the co-operative society and the petitioner, who is the Secretary, was arrested.

Mr. B.M. Deka, learned counsel for the petitioner submits that the petitioner is no way involved in the alleged allegation and he is no way connected with the allegation made in the FIR and that the entire allegation brought against him in the FIR is totally false.

He further submits that the petitioner holds the post of Secretary in the Saraighat Trading & Co-operative Society Ltd. which is registered under the Assam Co-operative Societies Act, 2007, wherein the adopted by-laws permits lending of money to its members for economic welfare.

Mr. K.K. Parasar, learned Additional Public Prosecutor, Assam, on the other hand, opposes the prayer for bail.

He submits that the Investigating Officer has collected some pass-books of the society, blank stamp papers, agreement between the petitioner and the members of the society.

I have heard the submissions made at the bar and have perused the

materials available on record.

It appears from the materials available in the case diary, that the Co-operative Society lends money to its members in terms of the by-laws adopted.

It further appears that the said Co-operative Society is registered under the Assam Co-operative Societies Act, 2007.

It further appears that the statement of the petitioner has been recorded under Section 161 Cr.P.C.

As such, this court is of the considered view that further detention of the petitioner is not justified.

Considering the entire aspect of the matter, it is accordingly, provided that the accused petitioner named above, shall be released on bail in connection with the above noted case with a bail bond of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), subject to the conditions that:-

- (i) the accused petitioner shall co-operate in the investigation; and
- (ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from deposing against the petitioners in the pending trial against them.

Return the case diary.

With the above observation, this bail application is hereby disposed of.

JUDGE

Comparing Assistant