

GAHC010047492024



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

Case No. : AB/621/2024

PRITISMAN DEKA
S/O ARUN CHANDRA DEKA
R/O VILL- BARKURA, SEUJNAGAR, P.O. BALIKARIA,
P.S. NALBARI,
DIST. NALBARI, ASSAM
PIN-781341

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MR. K K DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 18-03-2024

Heard Mr. K.K. Deka, learned counsel appearing for the Petitioner. Also heard Mr. D.P. Goswami, the learned Additional P.P. for the State of Assam.

This is an application under Section 438 of the Cr.P.C. in respect of Nalbari P.S. Case No.66/2024 under Sections 120(B)/420/384 of the Indian Penal Code read with Section 7(2) of Assam Money Lenders Act, 1938.

The informant has alleged that he had taken a loan from the present petitioner and thereafter repaid the loan. According to the informant, at the time of taking the loan from the petitioner, he had to deposit ATM Card and cheque book and it is claimed that even repayment of the loan those documents are not returned to him.

It has been submitted by the Petitioner that the informant had taken a loan of Rs.68,10,000/- from the petitioner and returned only 14 lakhs.

Both sides entered into an agreement whereby in order to repay Rs.54,10,000/- the informant gave 5 numbers of cheques to the petitioner. It is also submitted that for non-return of money the petitioner have filed 5 numbers of complaint cases against the informant.

After considering the submissions made by the learned counsel for both sides, this Court is of the opinion that the petitioner does not deserve to be detained in custody for the allegations brought against him. Therefore, his pre-arrest bail application is allowed.

It is hereby directed that in the event of arrest in connection with Nalbari P.S. Case No. 66/2024, the petitioner Pritisman Deka shall be released on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the arresting authority. He is directed to co-operate with the Investigating Officer as and when required.

The bail application stands disposed off.

JUDGE

Comparing Assistant