

GAHC010053932024



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

Case No. : Bail Appln./762/2024

SODHAN HAZARIKA
S/O LATE BLOLORAM HAZARIKA,
R/O VILL- NO. 1 UDALI P.S. BKALIA
DIST KARBI ANGLONG, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

18.03.2024

Heard the learned counsel Mr. B.K. Mahajan appearing for the petitioner. Also heard Mr. D.P. Goswami, learned Addl. Public Prosecutor

representing the State of Assam.

2. This is an application under Section 439 of the CrPC filed by the petitioner Sodhan Hazarika praying for releasing him on bail after he was arrested in connection with Bakalia P.S. Case No.05/2024, registered under Sections 120(B)/406/420/387/506 of the Indian Penal Code read with Section 7C(1)(2) of Assam Money Lenders (Amendment) Act, 1968.

3. It is alleged in the FIR that the informant borrowed a sum of ₹20,000/- from the petitioner. The rate of interest was very high. Accordingly, the informant paid ₹70,000/- to ₹80,000/- approximately to the petitioner. When the informant was unable to pay the entire amount, the present petitioner allegedly threatened him with dire consequences.

4. Mr. Mahajan has pointed out that Section 7C of the Assam Money Lenders' (Amendment) Act, 2022 is punishable with payment of fine only and no imprisonment has been prescribed for this offence.

5. The petitioner has already spent 28 days in judicial custody. This Court is of the opinion that under the given circumstances of the case, he does not deserve to be detained in custody any further period of time. Accordingly, his bail application is allowed.

6. It is hereby directed that the petitioner Sodhan Hazarika is allowed to go on bail in connection with Bakalia P.S. Case No.05/2024, registered under Sections 120(B)/406/420/387/506 of the Indian Penal Code read with Section 7C(1)(2) of Assam Money Lenders (Amendment) Act, 1968 on furnishing bail bond of ₹25,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Karbi Anglong at Diphu.

The bail application is disposed of.

JUDGE

Comparing Assistant