

GAHC010042422024



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

Case No. : AB/527/2024

BHABEN DEWARI
S/O TARUN DOWARI R/O VILL- SEUJNAGAR, CHAIGURI P.O. GHATAPARA
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
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

07.06.2024

Heard Mr. A. Khanikar, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Dhakuakhana P.S. Case No.15/2024 under Section 120B/384/392/387/406/506 IPC, read with Section 7C(2) of the Assam Money

Lenders (Amendment) Act, 1968, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Bhaben Dowari, for grant of pre-arrest bail.

3. It is to be noted here that the above-noted case has been registered on the basis of an FIR lodged by one Bhibhikhan Milli, on 19.02.2024 against Rajib Konch and Tuleswar Dutta. The essence of allegation made in the aforesaid FIR is that he had taken a loan of ₹ 1,50,000/- from one Rajib Konch on 12.12.2013 at the rate of 6.67% interest per month and he used to pay interest upon the said principal amount. But, he could not continue to make payment of the interest for few months, for which Rajib Konch and his manager Tuleswar Dutta had forcibly taken away his Punjab National Bank ATM card and passbook along with the cheque book and kept the same in their custody and they also used to withdraw money through the ATM card from his account and they failed to return the same despite his request.

4. Mr. Khanikar, learned counsel for the applicant submits that the applicant was granted the privilege of interim pre-arrest bail by this Court, vide order dated 01.03.2024 and pursuant to the said order, the applicant had appeared before the I.O. and cooperating with the investigating agency and therefore, Mr. Khanikar contended that the interim order dated 01.03.2024, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced one report from the Officer-in-Charge, Dhakuakhana Police Station to the effect that the present applicant is not required in connection with the Dhakuakhana P.S. Case No.15/2024.

6. In view of the submission of learned Advocates of both sides and also in view of the facts and circumstances on the record, this Court is inclined to make the interim order dated 01.03.2024, absolute, in the same terms and conditions.

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

8. Copy of the report submitted by Mr. Sarma, learned Additional P.P. received from

the Officer-in-Charge, Dhakuakhana P.S., shall be made part of the record.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant