

GAHC010052942024



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

Case No. : Bail Appln./737/2024

GANGADHAR BASUMATARY
S/O LATE SUKURAM BASUMATARY
R/O VILL- JALAJURI
HAWRAGHAT BAZAR, KARBI ANGLONG,
ASSAM, PIN-782481

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

13.03.2024

Heard Mr. S. Dutta, learned counsel for the accused and also heard Mr. K. Baishya, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 439 Cr.P.C. is preferred by accused, namely,

Gangadhar Basumatary, who has been languishing in jail hazot since 19.02.2024, in connection with Howraghat P.S. Case No.05/2024, under Section 120B/420/406/409/384 IPC, read with Section 7C(1)(2) of the Assam Money Lenders (Amendment) Act, 1968, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by S.I. Arindam Bora of Howraghat P.S., on 19.02.2024. The essence of allegation, made in the aforesaid FIR, is that one Deben Engti, who is a Government employee and working as Junior Engineer, PWD, has been running illegal money lending business activities by lending money to many innocent villagers/public by demanding/extorting high rate of interest and during the search of his house, a sum of ₹ 1,93,000/-, 38 nos. of SBI passbook, 15 nos. of Langpi Dehangi Rural Bank Passbook, 4 nos. of Assam Gramin Bank Passbook, 1 no. of Central Bank of India Passbook, 1 no. of HDFC bank passbook, 32 nos. of SBI cheque book and 14 nos. of non-Judicial Stamp paper and on the basis of the statement of Deben Engti, raid was conducted in the house of one Gangadhar Basumatary and a sum of ₹ 6,05,500/-, 2 nos. of SBI bank passbook and 1 no. of SBI cheque book were recovered from his possession.

4. Mr. Dutta, learned counsel for the accused submits that the accused was arrested on 19.02.2024 and since then he has been languishing in jail hazot and that the co-accused has already been enlarge on bail by this Court vide order dated 04.03.2024 in Bail Appln. No.549/2024 and that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

5. On the other hand, Mr. K. Baishya, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has examined some witnesses and also seized relevant documents.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Baishya, learned Additional P.P.

7. Having considered the stage of investigation as well as the materials collected so far in the case diary and also considering the period of detention and balancing the same

with the nature and gravity of the offence, this Court is of the view that further custodial detention of the accused may not be warranted in the interest of investigation and therefore, this Court is inclined to allow this petition. It is provided that on furnishing a bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Karbi Anglong, Diphu, the accused, namely, Gangadhar Basumatary, be enlarged on bail. Case diary be returned.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant