GAHC010045142024

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

Case No. : AB/564/2024

TOLESWAR GOGOI
S/O- DULLOV GOGOI, R/O- VILLAGE- GHATAPARA GAON, P.O. GHATAPARA, P.S. DHAKUAKHANA, DISTRICT- 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
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

29.05.2024

Heard Mr. A. Khanikar, learned counsel for the petitioner. Also heard Mr. Das, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner in connection with Ghilmara P. S. Case No.04/2024 under Sections 120B/420/406/392/387/506 of the Indian Penal Code *read with* Section 7C (2) of Assam Money Launders Amendment Act, 1968.

The Case Diary has been received and I have perused the same.

Mr. Das, learned Additional Public Prosecutor has submitted that though the interim was granted to the present petitioner on 05.03.2024, but, his statement is not available in the Case Diary.

In this regard, Mr. Khanikar, learned counsel for the petitioner has submitted that the present petitioner has already appeared before the I.O. after obtaining the interim pre-arrest bail and co-operated in investigation of the case. He further submitted that the present petitioner is not the FIR named accused, and he is a registered money lender and also renewed his license from time to time, and at present his license has been renewed upto 31.03.2024. However, after registration of this case, he was not in a position to renew the same. Thus, he submits that Section 7C (2) of Assam Money Lending (Amendment) Act, 1968 does not attract against the present/petitioner and there is no any allegation of cheating etc to attract the other Sections against the petitioner. He also submits that the present petitioner is simply a

certified money lender and deals with the money lending business, and he is still ready and willing to co-operate the IO in further investigation of the case, if his prayer for interim pre-arrest bail is made as absolute.

In this context, Mr. Das, learned Additional Public Prosecutor has raised no objection, on the prayer made by the learned counsel for the petitioner and submitted that his prayer may be allowed with a direction to appear before the I.O. and record his statement under Section 161 of Cr.P.C.

After hearing the submissions of the learned counsels for both sides and also considering the materials available in the Case Diary as well as considering the fact that the accused/petitioner is a certified money lender, I find it fit to extend the privilege of pre-arrest bail to the accused/petitioner namely **Sri Toleswar Gogoi** with a direction to appear before the I.O. within 7 days from the date of order and accordingly, the order passed by this Court dated 05.03.2024, is hereby made absolute with the same terms and conditions.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant