

GAHC010047442024



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

Case No. : AB/566/2024

SABED ALI
RESIDENT OF VILLAGE ROWMARI, PS ABHAYAPURI, DIST BONGAIGAON,
ASSAM 783384

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR. D GOSWAMI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 14-03-2024

14.03.2024

Heard Mr. D. Goswami, learned counsel for the petitioner as well as Mr. DP Goswami, learned APP for the State.

2. The petitioner, namely, Sabed Ali who is apprehending arrest in connection with Abhayapuri PS case no.68/2024 under sections

120(B)/420/406/384/294/506 IPC has filed this application under section 438 Cr.P.C., praying for pre-arrest bail.

3. It is submitted by the learned counsel for the petitioner that the petitioner is doing the business of money lending and a registration certificate has been issued in connection with doing such business vide *Annexure-3*.

4. It is also submitted by the learned counsel for the petitioner that no notice has been served to the petitioner under section 41(A) Cr.P.C. which is mandatory as per the judgment of the Hon'ble Supreme Court in the case of *Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273*.

5. Accordingly, the learned counsel prays that the benefit of pre-arrest bail be extended to the petitioner.

6. On the other hand, the learned APP submits that on perusal of the case diary it reveals that the accused petitioner has the authority for doing the business of money lending. Under such background, the custodial interrogation of the petitioner may not be warranted.

7. Accordingly, it is provided that in the event of arrest of the petitioner, named above, in connection with Abhayapuri PS case no.68/2024, he shall be released on furnishing bail bond of Rs.10,000/- with a suitable surety of the like amount, to the satisfaction of the arresting authority.

8. The direction for pre-arrest bail is subject to the conditions that the petitioner:

(a) Shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;

(b) Shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

9. Return back the case diary.

10. This application stands disposed of.

JUDGE

Comparing Assistant