

GAHC010049512024



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

Case No. : AB/604/2024

SOHIDULLAH AND ANR.
S/O LATE SOMED ALI
R/O VILL- CHATANTOLI
P.S. LAHARIGHAT,
DIST. MORIGAON, ASSAM

2: MOTIBUR RAHMAN
S/O SHOHIDULLAH
R/O VILL- CHATANTOLI
P.S. LAHARIGHAT

DIST. MORIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MOTIUR RAHMAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 28.03.2024

Heard Mr. M. Rahman, learned counsel for the petitioners. Also heard Mr. B.B. Goswami, learned Additional Public Prosecutor for the State.

2. This is the third bail application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioners, namely, **Sohidullah and Motibur Rahman**, who is apprehending arrest in connection with **Laharighat P.S. Case No. 39/2024**, registered under Section **120(B)/420/386 IPC r/w Section 7C (2) of Assam Money Lenders (Amendment) Act, 1968**.

3. It is submitted by the learned counsel for the petitioners that the petitioners are not involved in the alleged offence as stated in the FIR. It is also submitted that the petitioners are the social workers and due to some personal grudge, the FIR has been lodged against the petitioners. It is further submitted that the petitioners are not carrying any business of money-lending. Considering the background of the case and the nature of the offence, benefit of pre-arrest bail may be extended to the petitioners.

4. On the other hand, Mr. Gogoi, learned Additional Public Prosecutor for the State has vehemently objected to the prayer of the accused/petitioner by stating that the petitioners are very much involved in the alleged offence and there is sufficient incriminating materials found in the case diary against the petitioners. Considering the nature of offence, the prayer of the petitioners may not be considered at this stage.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

6. As per case diary, the allegation against the present petitioners is that they are involved in the illegal act of money lending at higher interest rate and in the process, they used to keep the ATM cards, bank passbooks, jewellery, land documents etc. as security from the borrowers to ensure for repayment.

7. The petitioners have also failed to produce any valid certificate that they are doing the money lending business legally.

8. In view of above, the prayer of the petitioners is **rejected**.

9. The pre-arrest bail application stands disposed of accordingly.

10. Return the case diary.

JUDGE

Comparing Assistant