

GAHC010051092024



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

Case No. : AB/673/2024

MIRZANUR RAHMAN
S/O BABUL ALI, R/O NAGRBAHI, HENGERAJHAR, P.S.-MANGALDOI, DIST-
DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 27.03.2024

Heard Mr. S.M. Abdullah P, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioner, namely, **Mirzanur Rahman**, in connection with **Mangaldoi P.S. Case No. 45/2024**, registered under Section **120(B)/384/387/420 IPC**

r/w Section 14/20/21 of Assam Micro Finance Institution, (Regulation of Money Lending) Act, 2020.

The learned counsel for the petitioner submits that the informant took Rs.3,50,000/- from the petitioner and the other accused persons and later on, the informant failed to repay the said amount along with interest as a result of which, the FIR has been lodged against the petitioner. It is also submitted that the informant had paid Rs.1,30,000/- to the petitioner and he is now ready to pay the entire amount. Considering the background of the case, the privilege of pre-arrest bail may be extended to the petitioner.

On the other hand, Mr. Gogoi, learned Addl.P.P. has produced the case diary which reveals that one motor cycle of the informant bearing Regd. No. AS-13P-8044 has been taken away by the petitioner but subsequently, the same has been returned to him.

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

It appears that the informant is now ready to pay the amount which was taken from the petitioner and other accused persons. The motor cycle which was taken by the petitioner was also returned to him.

Considering the facts as well as the documents available in the case diary, this Court finds that custodial interrogation of the petitioner is not required for the purpose of investigation of the case. Therefore, he is granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioner, named above, in connection with **Mangaldoi P.S. Case No. 45/2024**, registered under Section **120(B)/384/387/420 IPC r/w Section 14/20/21 of Assam Micro Finance Institution, (Regulation of Money Lending) Act, 2020**, 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.

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.

The anticipatory bail application stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant