

GAHC010058232024



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

Case No. : AB/748/2024

ABDUL KHALEQUE AND ANR.
S/O LATE AZAM ALI, R/O VILL-KACHARIGAON, P.O.-KALIADINGA, P.S.-
JURIA, DIST-NAGAON, ASSAM, PIN-782128

2: NURUZ ZAMAN SARKAR
S/O LATE SAYEB ALI SARKAR
R/O VILL-KACHARIGAON
P.O.-KALIADINGA
P.S.-JURIA
DIST-NAGAON
ASSAM
PIN-78212

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A SARMA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

15.05.2024

Heard Mr. A. Sarma, learned counsel for the applicants and Ms. N. Das, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Juria P.S. Case No.

41/2024, under Sections 120(B)/420/406/385 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicants namely, **Abdul Khaleque** and **Nuruz Zaman Sarkar** for grant of pre-arrest bail.

3. The said case was registered on the basis of an FIR lodged by one Musharaf Hussain, on 20.02.2024. The essence of allegations made in the FIR is that on 01.10.2019, the informant has borrowed a sum of Rs. 30,000/- from Abdul Khaleque on monthly interest and now he has been demanding interest of Rs. 5,000/- per month on the principal amount and even though he returned the amount with interest amount, yet, he has been demanding 5,00,000/- from him and also threatening him. Thereafter, he also borrowed a sum of Rs. 10,000/- from one Nuruz Zaman Sarkar and now he is demanding of Rs. 1,00,000/- being interest of the said amount and both of them are harassing him mentally.

4. Mr. Sarma, learned counsel for the applicants submits that this Court was pleased to grant interim protection to the applicants, vide order dated 20.03.2024, and pursuant to the said order, the applicants had appeared before the I.O. and cooperating with the investigating agency and therefore, it is contended to make the interim order dated 20.03.2024, absolute in the same terms and conditions.

5. On the other hand, Ms. Das, learned Additional Public Prosecutor submits that she has not received the case diary, but she has received the instruction that the I.O. has already completed investigation and laid Charge-Sheet against the applicants, vide Charge-Sheet No. 53/2024, dated 31.03.2024.

6. In view of above, this Court is inclined to dispose of this anticipatory application, by directing the applicants to appear before the learned court below on or before **31.05.2024**, and to apply for regular bail and in event of filing such an application, the learned Court below shall consider the same in

accordance with law.

7. Till then, the interim order dated 20.03.2024, stands extended.

Comparing Assistant

JUDGE