

GAHC010082252024



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

Case No. : AB/1061/2024

MOKBUL HUSSAIN PRODHANI @ MAKBUL PRODHANI
S/O SOPER ALI PRODHANI,
VILL.- DHARMASALA PART- II, P.S.- DHUBRI, DIST.- DHUBRI, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM.

Advocate for the Petitioner : MR. S RANA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 17.05.2024

Heard Mr. S.Munir, learned counsel for the petitioner. Also heard Mr. B.Sharma, learned Addl. Public Prosecutor for the State/respondent.

By this petition filed under Section 438 Cr.P.C., the petitioner, namely, **Mokbul Hussain Prodhani @ Makbul Prodhani** has prayed for granting pre-arrest bail, apprehending arrest in connection with **Dhubri P.S. Case No.69/2024** under Sections 120B/420/387/506 of the IPC R/w Section 7 C (2) of the Assam Money Lender's (Amendment) Act, 1934.

The case diary is placed before the court.

It is submitted by learned counsel for the petitioner that as per FIR, the petitioner along with some other persons are running illegal business of money lending at Dharmasala area and caused threat to the lives of poor people. It is further submitted that the provision of money lending Act are bailable in nature. The other offences by which the case has been registered is not attracted herein this case. Under such facts, the benefit of pre-arrest bail be extended to the petitioner.

The learned Addl.P.P. has produced the case diary and submits that some people took loan from the petitioner and at the time of returning the same, he demanded higher interest on the actual amount.

I have perused the case diary.

It appears that the case of the petitioner which falls under Assam Money Lender's (Amendment) Act which is bailable in nature.

In the backdrop of facts as emerged from the case diary, this Court finds it not expedient for custodial interrogation of the petitioner.

In view of above, the prayer for anticipatory bail is hereby granted.

It is provided that in the event of arrest of the petitioner, named above, he shall be released on **pre-arrest bail**, in connection with the above noted case on furnishing bail bond of **Rs.30,000/- (Thirty Thousand)** with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

- (i) That the petitioner shall appear before the Investigating Officer within 10 days from today failing which, on the 11th day, the anticipatory bail order shall automatically expire;;
- (ii) That the petitioner 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/her from disclosing such facts to the Court or to any police officer.

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant