

GAHC010082862024



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

Case No. : AB/1079/2024

JAHANGIR DHALI @ JAHANGIR HUSSAIN DHALI
S/O KHALIL DHALI,
R/O VILL- NATABARI PART-I,
P.O. TAMARHAT, P.S. TAMARHAT,
DIST. DHUBRI, ASSAM, PIN-783332

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. R ISLAM
Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE MALASRI NANDI

26.04.2024

Heard Mr. N.J. Dutta, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor, Assam for the State respondent.

This is an application under Section 438 Cr.P.C. praying for granting pre-arrest bail to the petitioner, namely, **Jahangir Dhali @ Jahangir Hussain Dhali**, who is apprehending arrest in connection with **Tamarhat Police Station Case No.23/2024** registered under Sections 14/15 of the Assam Game and Betting act, 1970 (G.R. Case No.349/2024).

It is submitted by the learned counsel for the petitioner that the petitioner is in no way connected with the alleged offence. No article in connection with gambling or betting was recovered from the petitioner and no cash was recovered from his possession. It is also submitted that no notice has been issued under Section 41A of the Cr.P.C., which is mandatory as per the judgment rendered by the Hon'ble Supreme Court in the case of ***Satendra Kr. Antil vs. CBI***, reported in ***2022 SCC OnLine SC 825*** as well as ***Arnesh Kumar Vs. State of Bihar***, reported in ***(2014) 8 SCC 273***. It is further submitted that the other accused, who were arrested earlier, have been granted bail on their production before the learned Magistrate.

Learned Additional Public Prosecutor has no objection if the petitioner is granted pre-arrest bail.

In view of the above, the benefit of pre-arrest bail is extended to the petitioner. Accordingly, the petitioner named above, in the event of arrest, shall be released on bail in connection with the aforementioned police station case on furnishing a bail bond of **Rs.10,000/- (Rupees Ten Thousand)** with one surety of the like amount to the satisfaction of the arresting authority subject to the following conditions:-

- i) that the petitioner shall appear before the Investigating Officer within 10 days from today; and
- ii) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to any Police Officer.

The anticipatory bail application is disposed of.

JUDGE

Comparing Assistant