

GAHC010118202024



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

Case No. : AB/1546/2024

MD. MEHBUB AHMED KHAN
S/O FAIZUL HOQUE KHAN
A RESIDENT OF VILL AND P.O. NILBAGAN BAZAR,
P.S. MURAZHAR, DIST. HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR. M A I HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

28.06.2024

Heard Mr. M.A.I. Hussain, learned counsel for the applicant and Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with the **Hojai P.S. Case No. 88/2024**, under Sections 419/468/471/34 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, **Md. Mehbub Ahmed Khan** for grant of pre-arrest bail.

3. The said case has been registered on the basis of one FIR lodged by Dr.

Anil Kumar Gupta, on 21.03.2024. The essence of allegations made in the FIR is that one Dr. S. Islam Choudhury has been practicing dentistry at Nilbagan Bazar and Dr. Salim Uddin Majumder has been practicing dentistry at Nilbagan Tiniali and Mainul Hoque has been practicing dentistry at Lanka, without having requisite qualification or registration as required to practice dentistry in the country and one Dr. Rano V. Thaosen has enrolled Dentist Mohibul Hoque and Dr. Nisha Agarwal has enrolled Dentist S. Hoque practicing at various location of Hojai district with their practice.

4. Mr. Hussain, learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in the FIR and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, by producing the case diary before this Court, Mr. Das, learned Additional Public Prosecutor fairly submits that the materials collected so far in the case diary are inadequate to show the complicity of the applicant with the offence alleged in the FIR.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the case diary produced before this Court, with the assistance of learned Additional Public Prosecutor.

7. Having considered the materials so far collected in the case diary and also considering the submissions of learned counsel of both sides, this Court is of the view that custodial interrogation of the applicant may not be required, in the interest of investigation.

8. Accordingly, it is provided that in the event of arrest of the applicant in connection with the **Hojai P.S. Case No. 88/2024**, under Sections 419/468/471/34 of the IPC, he shall be enlarged on pre-arrest bail, on their executing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the arresting

authority.

9. The above privilege is, however, subject to the following conditions:

(i) that the applicant shall make himself available for interrogation by the Investigating Officer as and when required;

(ii) that the applicant 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; and

(iii) that the applicant shall not leave the jurisdiction of the learned **Chief Judicial Magistrate, Hojai**, without prior permission.

10. In terms of this anticipatory bail application stands disposed of.

11. The case diary be returned.

Comparing Assistant

JUDGE