

GAHC010230412024



2024:GAU-AS:12312

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

Case No. : AB/2908/2024

RAKESH KUMAR PRASAD
S/O LAGANDO PRASAD, R/O DOLAIGAON, P.S. AND DIST- BONGAIGAON,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M KHAN, MS J AKTAR, MR A K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

04.12.2024

Heard learned counsel, Mr M Khan, for the petitioner, Rakesh Kumar Prasad, who has filed this application under Section 482 of the BNSS, 2023, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Bongaigaon PS Case No. 308/2024, registered under Sections 61 (2) (a)/319(2)/318(4)/308(2)/351(3) of the BNS, 2023.

2. Heard Mr K K Das, learned Additional Public Prosecutor, for the State respondent.
3. Learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioner.
4. The FIR unfolds that the informant received an information on 05.09.2024 from a reliable source that Muhamed Sarwar has been running a money lending syndicate in Bongaigaon PS area for the last 4/5 months and collecting money from the general public with high rate of interest and was extorting money in this manner by threatening the general public. An enquiry was conducted into the matter and it was found that Md Sarwar has been running a money lending business in the licence of Rahimuddin Khan, which is valid only up to 31.03.2025. This Rahimuddin Khan has remained untraceable for the last 10/12 years and his whereabouts are not known.
5. It further alleged that the public were made to affix their signatures on blank papers and blank cheques. Moreover, the present petitioner and Md Zakaria have been engaged for collection of money from the field by extortion and by other means.
6. Learned counsel for the petitioner has annexed the licence of Rahimuddin Khan, who has been allegedly missing for 10/12 years. A general Power of Attorney has been executed by Rahimuddin Khan in favour of Md Sarwar, which is marked as Annexure-3.
7. It is submitted that Rahimuddin Khan is the Licence Holder with a Registration No. NS(ML) 5/2015-2016, dated 26.05.2015, issued by the Office of the Assistant Registrar of Co-operative Society, North Salmara, Abhayapuri, Assam.

8. Learned Additional Public Prosecutor submitted that Md Sarwar is a history sheeter and he has been facing trial in connection with Bongaigaon PS Case No. 89/2024, under Sections 120B/420/384 IPC.
9. I have also scrutinized the Case Diary.
10. Indeed, there are incriminating materials in the Case Diary, against the petitioner.
11. Investigation is still at its nascent stage.
12. At this stage, there appears to be no justified ground to extend the privilege of pre-arrest bail to the petitioner.
13. Petition stands rejected at this stage of investigation.
14. Send back the Case Diary.

JUDGE

Comparing Assistant