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

Case No. : AB/2452/2026

AKBAR KHAN
S/O MANGAL KHAN, R/O ZOO ROAD TINIALI, PS GEETANAGAR, GHY,
DIST KAMRUP M, ASSAM, PIN 781024

VERSUS

THE STATE OF ASSAM
REPRESENTED THROUGH THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR B PATHAK, MISS A BORAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

14.10.2026

Heard Mr. B. Pathak, learned counsel for the applicant and Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Latasil PS Case No. 68/2026, under Sections 318(4)/308(3)/351(2)/3(5) of the BNS, read with Section 12 of the Assam Money Lenders' (Amendment) Act, this application under Section 482 of the BNSS, is preferred by applicant, namely, Akbar Khan, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the

basis of an FIR lodged by one Deepjyoti Sensua on 11.09.2026. The essence of allegation in the FIR dated 11.09.2026 is that the informant had availed a loan of Rs. 1,50,000/- from the present applicant with interest @ 10% per month and that in the month of December, 2022, the applicant wanted to purchase a second hand car which was to be refinanced by the informant, failing which the entire loan was to be repaid and the informant acted accordingly. Thereafter, the vehicle was purchased and the instalments were initially paid by the applicant and later on, the burden fell upon the informant. Thereafter, on 20.08.2026, the applicant had threatened the informant via Whatsapp voice messages and demanded an exorbitant sum of Rs. 50,00,000/-.

4. Mr. Pathak, learned counsel for the applicant, submits that this Court was pleased to grant interim protection to the applicant, vide order dated 01.10.2026 and pursuant to the said order, the applicant has appeared before the IO and cooperating with the investigating agency. Mr. Munir further submits that the custodial interrogation of the applicants may not be required in the interest of investigation and therefore, it is contended to make the interim order dated 01.10.2026, absolute in the same terms and conditions.

5. Per-contra, Mr. Borthakur, learned Additional Public Prosecutor, by producing the case diary before this court, confirms that the applicant has appeared before the IO and his statement is recorded. However, he submits that the IO has collected sufficient incriminating materials against the present applicant.

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

7. In view of the submissions of learned counsel for both the parties and also considering the fact that the applicant has been cooperating with the investigating agency and also in view of the progress of investigation, this Court is of the view that his custodial interrogation seems to be unwarranted here in this case. And therefore,

this Court is inclined to make the interim order dated **01.10.2026, absolute** in the same terms and condition.

8. In terms of above this AB stands disposed of.

9. The case diary be returned.

JUDGE

Comparing Assistant