

GAHC010051232024



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

**Case No. : AB/640/2024**

TOSHESWAR KALITA  
S/O LT. NAGEN CH. KALITA, R/O VILL- MORONGIAL GAON, P.O.-  
MORONGIAL, P.S.-NAGAON SADAR, DIST-NAGAON (ASSAM), PIN-782141

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MR. M A LASKAR**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HON'BLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**15.03.2024**

Heard Mr. S. Ahmed, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

This application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant, namely, Tosheswar Kalita, who has been apprehending arrest in

connection with any case lodged under the Assam Money Lenders' (Amendment) Act, 2022, for grant of pre-arrest bail.

Mr. Ahmed, learned counsel for the applicant submits that no case has been registered against the present applicant till today, but he is being summoned by police and asked to surrender.

It is to be noted here that vide order dated 13.03.2024, the learned Additional P.P. was directed to obtain a written report from the Officer-in-Charge, concerned P.S., as to whether any case has been registered against the present applicant or not. Accordingly, Mr. B. Sarma, learned Additional P.P. has produced a written report from the Officer-in-Charge, Nagaon Sadar Police Station, to the effect that no case has been registered against the present applicant till date and as such, there is no apprehension of arrest and this application becomes infructuous and accordingly, the same stands closed.

The report submitted by Mr. Sarma shall be part of the record.

**Sd/- Robin Phukan**  
**JUDGE**

**Comparing Assistant**