

GAHC010004732023



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

Case No. : AB/67/2023

SAILEN CHANDRA DAS
S/O SRI ARJUN DAS
R/O VILL- BRIDDHABASI, PT. II,
PO. BATGURI
P.S. MANIKPUR
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 10.02.2023

Heard Mr. H.K. Das, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned APP appearing for the State.

Apprehending arrest in connection with Dhaligaon P.S. Case No.

219/2022, under section 120(B)/420 IPC, read with section 13 of the Assam Cattle Preservation Act, 2021, corresponding to G.R. Case No. 388/2022, the petitioner has filed this application under section 438 Cr.P.C.

The learned APP has produced the case diary and has opposed the prayer for bail on the ground that during investigation, the petitioner could not account for all the cattle, which he had brought from outside the State.

In this case, the learned counsel for the petitioner has been able to demonstrate from the documents appended to this application that on the strength of his application dated 18.12.2021, the Director of Assam Husbandry and Veterinary Department vide letter dated 22.02.2022 (Annexure-P/6) has granted permission to transport 120 numbers of cows and 76 numbers of buffaloes from Bihar. Similarly, permissions were also granted by order dated 07.06.2022 by the said authority for transporting 294 numbers of milch cows and 56 numbers of female buffaloes from outside the State.

On perusal of the Assam Cattle Preservation (Amendment) Act, 2021, it is seen that the said Act was published in the official gazette on 28.01.2022. Therefore, as the transportation took place prior to 2022 Rules being notified, the Court is of the of the considered opinion that custodial interrogation of the petitioner may not be required.

In view of above, the Court is inclined to grant pre-arrest bail to the petitioner by providing that in the event of the arrest of the petitioner, namely, Sailen Chandra Das in connection with the aforesaid case, he shall be released on bail on furnishing bail bond of Rs.50,000/- with one suitable surety of like amount to the satisfaction of the arresting officer.

The pre-arrest bail is granted on the following conditions:

1. The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.
2. The petitioner 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 Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.
3. The petitioner shall not obstruct the smooth progress of the investigation/trial.
4. The petitioner shall not misuse his liberty in any manner.
5. The petitioner shall appear before the I/O within 10 (ten) days from the date of this order, failing which, the interim protection would lapse on the 11th day.

Application stands disposed of.

Case diary is returned.

JUDGE

Comparing Assistant