

GAHC010032482023



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

Case No. : AB/518/2023

MD. RAJIFUL ISLAM
S/O MD. ABDUS SALAM
VILL- FATEHPUR,
P.S. BIHPURIA
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

O R D E R

21.04.2023.

Heard Mr. A.M. Ahmed, learned counsel for the petitioner and Ms. N. Das, learned Additional Public Prosecutor, Assam for the State respondent.

2. Apprehending arrest in connection with North Lakhimpur P.S. Case No.541/2022, under Sections 379/411 of the IPC read with section 11[d] of the Prevention of Cruelty to Animals Act and section 13[1] of the Assam Cattle Preservation Act, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant, namely, Md. Rajiful Islam for grant of pre-arrest bail.

3. The aforementioned case has been registered on the basis of one F.I.R., lodged by S.I. Biman Gogoi on 06.10.2022, to the effect that on that on the same day, at about 3:30 pm, acting on a tip off, they have intercepted one Truck, bearing registration No. AS-04-BC-0204 at Fatehpur, Bongalmara, under Nowboicha PS, and recovered 25 numbers of cattle from the said Truck and apprehended 2 persons namely Samsul Huda and Mokibul Hoque.

4. Mr. Ahmed, learned counsel for the applicants submits that pursuant to the order of this Court, passed on 17.03.2023, the applicant appeared before the I.O. and his statement has been recorded and he has also produced the receipt of purchasing bullocks before the I.O. Mr. Ahmed further submits that the applicant is ready to cooperate with the investigating agency and therefore, it is contended to make the interim order, dated 17.03.2023, absolute, in the same terms and conditions.

5. On the other hand, Ms. N. Das, learned Addl. P.P., Assam has produced the case diary before this Court and vehemently opposed the petition on the ground that custodial interrogation of the applicant is very much necessary here-in-this case and the I.O. has collected sufficient incriminating materials against him and referring to the bail objection prayer of the I.O., Ms. Das submits that the applicant is also involved with other criminal cases and therefore, Ms. Das contended to dismiss the bail petition.

6. To a pointed query of this Court, Ms. Das submits that no case number has been mentioned by the I.O. in the bail objection petition though he has mentioned that the applicant is involved in several other criminal cases of Lakhimpur District.
7. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary produced before this Court with the assistance of Ms. Das, learned Additional Public Prosecutor.
8. In view of the materials collected so far in the Case Diary and also considering the nature of accusation and the punishment prescribed for the same, this Court is left unimpressed by the submission of learned Addl. P.P., Assam that custodial interrogation of the applicant seems to be warranted in the interest of investigation. The applicant has already appeared before the I.O. and submitted relevant documents and the I.O. has recorded his statement.
9. Accordingly, this Court is inclined to make the interim order, dated 17.03.2023, absolute in the same terms and conditions.
10. In terms of above, this anticipatory bail application stands disposed of.
11. The Case Diary be sent back.

JUDGE

Comparing Assistant