

GAHC010032512023



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

Case No. : AB/482/2023

MD. INTAZUL HAQUE
S/O HARMUJ ALI
R/O RANGAMATI, MEDHIPARA
P.S. MANGALDOI
DIST. DARRANG, ASSAM
PIN-784529
MOB. NO. 98640-27090

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR A K AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

03.03.2023

Heard Mr. A.K. Ahmed, learned counsel for the applicant and Mr. P.S. Lahkar, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Teok P.S. Case No. 31/2022, under Sections 379/411 of the IPC read with section 11[1][d] of the Prevention of Cruelty to Animal Act and read with 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. Intazul Haque for grant of pre-arrest bail.

3. The said case has been registered on the basis of one F.I.R., lodged by ASI Pradip Changmai, on 17.01.2022, to the effect that on the night of 16.01.2022, at about 2 am, they have intercepted one L.P. Truck bearing registration No. AS-01-LC-0295 loaded with 30 numbers of bullocks on NH-37 near Kakojan, which bullocks were suspected to be stolen, and apprehended one Md. Afjaur Rahman; Md. Sahid Akram; and Md. Muksadur Rahman.

4. Mr. Ahmed, learned counsel for the applicant submits that the applicant is the owner of the Truck and the said Truck was seized in connection with the aforementioned case and released by this court vide order dated 08.02.2023, in Criminal Petition No. 17/2023. Mr. Ahmed further submits all the accused persons have already been arrested and they have been enlarged on bail by the learned court below and that the applicant is innocent and his custodial interrogation may not be required in the interest of investigation and that he is ready to cooperate with the investigating agency, and therefore, Mr. Ahmed contended to allow the petition.

5. On the other hand, Mr. Lahkar, learned Additional Public Prosecutor, has produced the case diary before this court and submits that the applicant has appeared before the IO and IO has already recorded his statement. Mr. Lahkar further submits that the IO has, in the meantime examined some witnesses

here in this case and achieved substantial progress in investigation.

6. Having heard the submissions of learned Advocates of both sides, I have carefully perused the petition as well as the documents placed on the record and also perused the case diary with the assistance of Mr. Lahkar, learned Addl. P.P.

7. It appears that the IO has achieved substantial progress in the investigation and in view of the materials collected so far in the case diary custodial interrogation of the applicant seems to be unwarranted, in the interest of investigation. Further, it appears that the co-accused have already been arrested and enlarged on bail by the learned court below.

8. Accordingly, it is provided that in the event of arrest of the applicant, in connection with Teok P.S. Case No. 31/2022, under Sections 379/411 of the IPC read with section 11[1][d] of the Prevention of Cruelty to Animal Act and read with section 13[1] of the Assam Cattle Preservation Act, he shall be enlarged on interim pre-arrest bail on executing a bond of Rs. 25,000/- (Rupees twenty-five thousand) only with one surety of like amount to the satisfaction of the arresting authority.

9. The above privilege is, however, subject to the following conditions:

(i) that the applicant shall make himself available for interrogation by the Investigating Officer as and when required;

(ii) that the applicant 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 the Court or to any police officer; and

(iii) that the applicant shall not leave the jurisdiction of the learned CJM, Jorhat, without prior permission.

10. In terms of above, this AB stands disposed of.

11. The case diary be returned.

JUDGE

Comparing Assistant