

GAHC010064002023



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

Case No. : AB/1160/2023

GIRIN CHANDRA KONWAR
S/O SRI BHUGEN KONWAR
PERMANENT RESIDENT OF WARD NO. 10,
NEW AMOLAPATTY PANCH ALI
P.O. AND P.S. GOLAGHAT,
DIST. GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

15.06.2023

Heard learned counsel Ms. S.E. Ahmed on behalf of learned counsel for the petitioner Mr. D.R. Gogoi. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. The petitioner Dr. Girin Chandra Konwar has filed this application under Section 438 Cr.P.C. with a prayer for pre-arrest bail as he is apprehending arrest in connection with Basistha P.S. Case No.1070/2022 under Section 120(B)/420/468/471 of the Indian Penal Code.
3. The FIR unfolds that Shri Pratap Kumar Gogoi applied for permission to transport 200 nos. of milch cows and buffaloes from Bihar and Uttar Pradesh to his dairy farm at Maidamgaon, Beltola giving a false address. He obtained the permit vide permit No.LSV-19/RGE.Transportation/Pt-II/2022-23/1020, dated 07.07.2022.
4. During enquiry it was found that Pratap Kumar Gogoi had intentionally used a fake address while applying for permit. Apart from this, Pratap Kumar Gogoi could not show his dairy farm at Maidamgaon, Beltola. Further, it is stated that his name and details were used by Shri Tarun Dihingia. He also stated that no cattle was transported against the said permit. It was later learnt in enquiry that Pratap Kumar Gogoi in connivance with Shri Tarun Dihingia and some unknown individuals hatched up a conspiracy and obtained the permit fraudulently for a dairy farm at Maidamgaon, Beltola, which is not in existence at all.
5. It is also revealed by Pratap Kumar Gogoi that he did not sign on any application for permit although he has given his documents to Tarun Dihingia. It was also unearthed that the details of the consignor were not given in the application to evade further verification and thereby violated the Rules of Assam Cattle Preservation Rules, 2022.
6. I have considered the submissions at the Bar.
7. It is submitted by the learned Additional Public Prosecutor, Assam that the petitioner has admitted that he has issued a certificate. The learned counsel for the petitioner has also admitted that an experience certificate was issued by the petitioner.
8. I have also considered the prayer of the petitioner, as the other co-accused have been enlarged on bail. The bail order dated 09.01.2023 in connection with AB No.61/2023 is marked as Annexure-7 and the bail order dated 30.01.2023 in connection with BA Case No.19/2023 is marked as Annexure-8. The petitioner has appeared before the I.O. and he has cooperated with the investigation.

9. In view of the foregoing discussion, the interim order dated 21.04.2023 is hereby made absolute and accordingly, the application stands disposed of.

10. Send back the case diary.

Sd/- *Susmita Phukan Khaund*
JUDGE

Comparing Assistant