

GAHC010089572023



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

: AB/1149/2023

SAPIYAR RAHMAN @ JADU @ SOFIUL RAHMAN
S/O- LATE MONSER ALI
R/O- ROWA PART-III
P.S. GOURIPUR
DIST.- DHUBRI (ASSAM)

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE LD. P.P.
ASSAM

Advocate for : MR A W AMAN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 26-09-2023

Heard Mr. S. Das, learned counsel for the applicant and also heard Mr. K. K. Das, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Gauripur P.S. Case No. 143/2023 under Sections 379/411 R/W Section 13 (1) of the Assam Cattle Preservation Act, 2021, this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Sapiyar Rahman @ Jadu @ Sofiul Rahman for grant of pre-arrest

bail.

The above noted case is registered on the basis of an FIR lodged by one Manish Kr. AC Coy, BOP Ghewmari on 3.3.2023.

The essence of allegation made in the FIR is that acting on a tip off, a joint operation was carried out in the place Roma Part III, Nowdapara in the house of Saiful, Hussain Ali, Sofiul Rehman and recovered 13 nos of cattle which were kept there with a view to smuggling the same to Bangladesh.

Mr. S. Das, learned counsel for the applicant submits that the applicant was granted interim protection vide order dated 29.3.2023, by this Court, and accordingly, the applicant appeared before the I.O. on 03.04.2023, and given his oral statement, and to that effect, the applicant had filed one additional affidavit also on 21.9.2023, as directed by this Court, vide order dated 1.9.2023, and that the applicant has been cooperating with the investigating agency, and therefore, it is contended to make the interim order dated 29.3.2023, absolute in same terms and condition.

Whereas, Mr. Das, learned Addl. P.P. submits that the statement of the applicant is not available in the case diary and case diary has not been updated since 25.7.2023. However, to a pointed query of this Court Mr. Das submit that the investigation of the case has progressed substantially.

Having heard the submission of learned Advocates of both sides, I have carefully perused the petition and the documents placed on record and also perused the affidavit dated 21.9.2023, filed by the applicant and also perused the case diary with the assistance of Mr. K. K. Das, learned Addl. P.P.

In view of submissions of Advocates of both sides and also in view of materials collected so far in the case diary as well as the progress of the investigation and also in view of the cooperation, being extended by the applicant to the investigating agency, his custodial interrogation seems to be not warranted herein this case, and accordingly, interim order dated 29.3.2023, is hereby made absolute in the same terms and condition.

In terms of the above this A.B stands disposed of.

Case diary be returned.

JUDGE

Comparing Assistant