

GAHC010097402023



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

Case No. : AB/1649/2023

GOLAM HUSSAIN MOLLAH @ GOLAM HUSSAIN
S/O ABDUL AZIZ MOLLAH,
WARD NO. 14, DHUBRI, P.O. DHUBRI,
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MRS. K DEVI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

O R D E R

03.08.2023.

Heard Mrs. K. Devi, learned counsel appearing for the applicant. Also heard Mr. K.K. Das, learned Addl. P.P., Assam appearing for the State respondent.

2. In this application, filed under Section 438 CrPC, the petitioner, namely,

Golam Hussain Mollah @ Golam Hussain, who has been apprehending arrest in connection with Dhubri PS Case No. 490/2022, corresponding to G.R. No.1688/2022, under Sections 379/411 of the IPC, read with Section 13 of the Assam Cattle Preservation Act, has prayed for granting him pre-arrest bail.

3. It is to be noted here that the Dhubri PS Case No. 490/2022, under Sections 379/411 of the IPC, read with Section 13 of the Assam Cattle Preservation Act, has been registered on the basis of an F.I.R., lodged by SI (P) Utpal Ray on 16.10.2022, to the effect that on 15.10.2022, at about 9:10 p.m., acting on a tip off, they have apprehended one stranded Bolero Pickup vehicle bearing Regn. No.AS17C 4814 at L&T Bridge, Chagalchara, and found 9 numbers of cattle, being carried in the aforesaid vehicle and the inmates of the vehicle escaped from the spot, leaving the vehicle there.

4. Mrs. K. Devi, learned counsel for the applicant submits that the applicant is the registered owner of the vehicle and that he is no way involved with the offence alleged in the FIR and that the applicant is an aged person of 64 years and is suffering from urological problem and vide order dated 11.05.2023, this Court was pleased to extend interim protection to the applicant and pursuant to the said order, the applicant appeared before the I.O. and his statement has been recorded and that the applicant has been cooperating with the investigating agency and therefore, it is contended to make the interim order dated 11.05.2023 absolute, in the same terms and conditions.

5. On the other hand, by producing the case diary before this Court, Mr. K.K. Das, learned Addl. P.P., Assam submits that the I.O. has collected sufficient materials against the applicant and investigation is going on and therefore, it is contended to dismiss the petition.

6. 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 Mr. K.K. Das, learned Addl. P.P., Assam.

7. It appears that pursuant to the order dated 11.05.2023, the applicant has appeared before the investigating officer and he has been cooperating with the investigating agency. Further it appears from the documents placed on the record that the applicant is suffering from some urological problem and he is an aged person of 64 years.

8. In view of the materials collected so far in the Case Diary and also in view of the progress, so far achieved by the I.O. and also considering the fact that the applicant has been extending cooperation with the investigating agency, and also the submission of learned Advocates of both sides, this Court is inclined to make the interim order, dated 11.05.2023, absolute in the same terms and conditions.

9. In terms of above, this anticipatory bail application stands disposed of.

10. The Case Diary be returned.

JUDGE

Comparing Assistant