

GAHC010114802023



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

Case No. : AB/1885/2023

MD. SAHJAHAN ALI AND ANR
S/O MD. DULAL MIYA
R/O VILL- GHEHUA CHALCHALI
PO.S. RUPAHIHAT,
DIST. NAGAON

2: AHADUL ISLAM
S/O HAJRAT ALI VILL- SAPATKARA
P.S. RUPAHIJAT
DIST. NAGAO

VERSUS

THE STATE OF ASSAM, REP. BY THE LD. PP, ASSAM

Advocate for the Petitioner : MR. R ALI
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 22-09-2023

Heard Mr. T. Chutia, learned counsel for the applicant and also heard Mr. P. Borthakur, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Jagirod P.S. Case No. 169/2023, under Sections 379/34 IPC R/w Section 11(1) (a) (b) of Prevention of Cruelty to Animals Act, R/W Section 13(1) of the Assam Cattle Preservation Act, 2021, this application under Section 438 Cr.P.C. is preferred by the applicants, namely, Md. Sahjahan Ali and Ahadul Islam for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR lodged by one Binod Koch, S. I. of

Nellie Outpost on 18.5.2023.

The essence of allegation made in the FIR dated 18.5.2023, is that on that day at about 3-45 AM, they have apprehended two Trucks bearing registration No. AS 01 KC 3732, and AS 01 CC 8443, and on checking, they found 43 nos of cattle, being carried in the vehicles, without relevant documents and apprehended three persons, namely, Md. Imran Khan, Md. Anarul Haque and Md. Nazarul Islam.

Mr. Chutia, learned counsel for the applicants submits that vide order dated 31.5.2023, this court was pleased to extend the interim protection to the applicants and both of them appeared before the I.O and they have been extending cooperation to the investigating agency and that they are the owner of the seized cattles which were purchased from Bihora weekly market and enclosed the relevant receipts as Annexure 3 series, and that they are ready to cooperate with the investigating agency and therefore, it is contended to make the interim order dated 31.5.2023, absolute in same terms and condition.

On the other hand, Mr.Borthakur learned Addl.P.P. has produced the case diary before this Court and confirmed the appearance of the applicant before the I.O. Mr. Borthakur further submits that the I.O has collected sufficient materials against the applicants, and therefore, Mr. Borthakur opposed the the petition.

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 case diary with the assistance of Mr. Borthakur, 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 applicants to the investigating agency, their custodial interrogation seems to be not warranted herein this case, and accordingly, interim order dated 31.5.2023, 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