

GAHC010121112023



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

Case No. : AB/2005/2023

PURANDAR BORI AND ANR
S/O LT. RAM BORI
R/O VILL- DEKAPAM NAMKIN
P.S. SIMEN CHAPORI
DIST. DHEMAJI, ASSAM

2: SAGIR ALAM
S/O YUNUS ALI
R/O VILL- AMERI GOG
P.S. JORABAT
DIST. KAMRUP (M

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

25.09.2023

Heard Mr. T. Chutia, learned counsel for the applicants and also heard Ms. N. Das,

learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with North Lakhimpur P.S. Case No.97/2023, under Section 379/411 IPC read with Section 11(1)(a) of the Prevention of Cruelty to Animals Act, 1960 read with Section 13(1) of the Assam Cattle Preservation Act, 2021, this application under Section 438 Cr.P.C. is preferred by the applicants, namely, Purandar Bori and Sagir Alam, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Prakash Dalbag, General Secretary, Rashtriya Bajrang Dal, Lakhimpur on 14.03.2023. The essence of allegation made in the FIR is that on 13.03.2023 at about 7:10 p.m. they have intercepted one vehicle bearing Registration No.NL-01AC-5192 and on checking they found 18 nos. of cattle being carrying in the same violating the provision of Assam Cattle Preservation Act.

4. Mr. Chutia, learned counsel for the applicants submits that this Court was pleased to extend interim protection to the applicants vide order dated 08.06.2023 and pursuant to the said order, the applicants had appeared before the I.O. and they have been cooperating with the investigating agency and therefore, Mr. Chutia contended to make the interim order dated 08.06.2023 absolute, in the same terms and conditions.

5. On the other hand, producing the case diary before this Court, Ms. N. Das, learned Additional Public Prosecutor submits that the investigation is almost completed and that the applicants have appeared before the I.O. and they have been cooperating with the investigating agency.

6. Having heard the submission 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 with the assistance of Ms. Das, learned Additional P.P.

7. It appears from the case diary that material part of the investigation is almost over. Further, it appears that the applicants have appeared before the I.O. and they have been cooperating with the investigating agency. In view of above, their custodial interrogation

seems to be not warranted here in this case. Accordingly, this Court is inclined to make the interim order dated 08.06.2023 absolute, in the same terms and conditions.

8. In terms of above, this anticipatory bail application stands disposed of.
9. Case diary be returned.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant