

GAHC010124572023



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

Case No. : AB/2043/2023

NEKIBUR RAHMAN AND ANR
S/O- HABIBUR RAHMAN, R/O- VILL- RUPAHI TOWN, P.S. RUPAHI, DIST.-
NAGAON, ASSAM

2: SAHAB UDDIN
S/O- KARAM ALI
R/O- VILL- TARA JAN
P.S. MIKIRBHETA
DIST.- MORIGAON (ASSAM)

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

24.08.2023

Heard Mr. T. Chutia, learned counsel for the applicant and also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Bokakhat P.S. Case No.53/2023, under Sections 379/411 IPC read with Section 11(a)(d) 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, Nekibur Rahman and Sahab Uddin 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 Anil Das, ASI of Kohra Out Post on 16.05.2023. The essence of allegation made in the FIR is that on 15.05.2023, at about 4:00 a.m., they have intercepted one Truck, bearing Registration No.AS-02CC-9367, and found 20 nos. of cattle, out of which they found 3 cattle dead and found the Truck driver and the handyman missing from that place.

4. Mr. Chutia, learned counsel for the applicants submits that the applicant No.2 Sahab Uddin is the registered owner of the aforesaid vehicle and the applicant No.1 is the owner of the cattle, who had purchased the cattle at Bihora Weekly Cattle Market and he possessed the relevant documents of purchasing the cattle and annexed the same with the petition. Mr. Chutia further submits that pursuant to an order of this Court dated 09.06.2023, both the applicants have appeared before the I.O. and they have been cooperating with the investigating agency. Therefore, it is contended to make the interim order dated 09.06.2023, absolute, in the same terms and conditions.

5. Mr. R.J. Baruah, learned Additional Public Prosecutor has produced the case diary before this Court and submits that material part of the investigation is almost over. However, Mr. Baruah has vehemently opposed the petition on the ground that the relevant documents, which are enclosed with this petition were not produced at the time of interception of the vehicle.

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 Mr. Baruah, learned Additional P.P.

7. It appears that material part of the investigation is almost over. Further, it appears that both the accused have appeared before the I.O. and they have been cooperating

with the investigating agency. In view of above, custodial interrogation of the applicants seems to be not required here in this case and accordingly, the interim order dated 09.06.2023, is hereby made absolute in the same terms and conditions.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant