

GAHC010131792023



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

Case No. : AB/2187/2023

AKHIRUL ISLAM
S/O JALIL SK.
VILL- KASUA CHATAPARA
P.S. BILASIPARA
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M MONDAL

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 26-07-2023

Heard Mr. M. Mondal, learned counsel for the petitioner.

Also heard Mr. K.K. Das, learned Additional Public Prosecutor for the State of Assam.

By this application under section 438 Cr.P.C., the petitioner namely, Akhirul

Islam is praying for pre-arrest bail as he is apprehending arrest in connection with Sapatgram P.S. Case No. 113/2022, under sections 379/411 of I.P.C read with Section 13(1) of the Assam Cattle Preservation Act, 2021.

The accusation against the petitioner in this case is that on 07.12.2022, one Satin Singha, ASI of Raniganj police out post lodged an FIR before the Officer-in-Charge of Sapatgram Police Station inter-alia alleging that on received of a secret information that one Tata Magic Van loaded with cattle was seized at Baruapara and the driver of the said van was tried to fled away but later on he was apprehended. It was found that the said van was carrying four nos. of cattle. On receipt the said information Sapatgram P.S. Case No. 113/2022, under Section 379/411 of IPC read with Section 13(1), of The Assam Cattle Preservation Act, 2021 was registered.

The learned counsel for the petitioner submits that the petitioner is innocent and is no way connected with the alleged offence and he is a local resident of Village Kasua, Chatapara under Bilasipara and shall abide by any conditions, if he is allowed to go on bail.

On the other hand, leaned Additional Public Prosecutor for the State raised objection and submits that case diary is received and upon perusal of the same, it is found that there are incriminating materials against the present petitioner in the case diary and the other co-accused person have also implicated the present petitioner in the instant case.

I have perused the case dairy and also considered the submissions at the bar made by the learned counsel for both sides.

Considering the facts and circumstances of the case as well as the

submissions made by the learned counsels for both sides and also considering the nature of allegation made in the FIR, present petitioner is directed to appear before the concerned Investigating Officer in connection with the aforementioned case within a period of 10 (ten) days from the date of this order and if he does so within stipulated time, in the event of his arrest, the present petitioner namely, Akhirul Islam shall be enlarged on bail on furnishing a bail bond of Rs.30,000/-(Rupees Thirty Thousand) with one suitable surety of like amount, to the satisfaction of the arresting authority, in connection with Sapatgram P.S. Case No. 113/2022, under sections 379/411 of I.P.C read with Section 13(1) of the Assam Cattle Preservation Act, 2021.

The bail is granted on the following condition:

1. That the petitioner shall co-operate with the investigating officer as and when called for.

With the observations made above, the present Anticipatory Bail application stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant