

GAHC010133612023



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

Case No. : AB/2198/2023

NASIR ALI
S/O- MD. ALIMUDDIN,
R/O- VILL JAMALE,
P.S AND P.S- NAGARBERA, PIN-781127,
DIST- KAMRUP (R), ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY PP, ASSAM

2:DULAN BORAH (INFORMANT)
UBC- 273 OF DHUPDHARA P.S
GOALPARA
ASSA

Advocate for the Petitioner : MR S A BARBHUYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

21.08.2023

Heard Mr. S.A. Barbhuyan, learned counsel for the applicant. Also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Dhupdhara P.S. Case No.23/2023 registered under Sections 379/413/34 IPC read with Section 13(1) of the Assam Cattle Preservation Act, 2021 and read with Section 11(d) of the Prevention of Cruelty to Animal Act, 1960, this application under Section 438 Cr.P.C. is preferred by the applicant Nasir Ali for grant of pre-arrest bail.

3. It is to be noted here that Dhupdhara P.S. Case No.23/2023 under Sections 379/413/34 IPC read with Section 13(1) of the Assam Cattle Preservation Act, 2021 and read with Section 11(d) of the Prevention of Cruelty to Animal Act, 1960 has been registered on the basis of one FIR lodged by one Dulan Borah, UBC of Dhupdhara P.S. on 06.05.2023. The essence of allegation made in the FIR is that acting on a tip off on 06.05.2023, at about 1:00 a.m., he along with the O/C, intercepted one Mahindra Bolero Pickup vehicle bearing Registration No.AS-01NC-8844 at Bimanpara and apprehended two persons, namely, Jahidul Islam @ Jaddu and Akinur Islam and during search of the vehicle they recovered 8 nos. of cattle from the said vehicle.

4. The learned Additional Public Prosecutor submits that though case diary was called for vide order dated 21.06.2023, same has not been received but he has received instruction from the O/C concerned P.S. that after completion of investigation the I.O. has submitted charge-sheet, being Charge-sheet No.17/2023, dated 30.04.2023, under Section 406/320/294/506/34 IPC.

5. In view of above, this anticipatory bail application stands disposed of at this stage by directing the applicant to appear before the learned Chief Judicial Magistrate, Goalpara on 07.09.2023, and to apply for regular bail and in the event of filing such an application, the learned Court below shall consider the same in accordance with law.

6. However, having regards to the nature of accusation and punishment prescribed for the same and also considering the submission of learned Advocates of both sides, it is provided that in the event of his arrest in connection with Dhupdhara P.S. Case No.23/2023, the applicant shall be enlarged on interim pre-arrest bail on his executing a bail bond of ₹ 25,000/- with one surety of like amount to the satisfaction of the arresting authority, till 07.09.2023. The above privilege is however, subject to the following

conditions:-

- (i) Applicant shall not leave the jurisdiction of the learned C.J.M., Goalpara without prior permission.
- (ii) Applicant shall appear before the I.O. within a period of 10(ten) days from today.
- (iii) Applicant shall not indulge in hampering the investigation or tampering the witnesses.

7. In terms of above, this bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant