

GAHC010136632022



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

**Case No. : AB/1915/2022**

MD. ROFIQUE UDDIN  
S/O HUSSAIN AHMED, R/O VILL-NILBAGAN, P.S.-MURAJHAR, DIST-HOJAI,  
ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MR. N J DUTTA**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 20-09-2023**

Heard Mr. N. J. Dutta, learned counsel for the applicant and also heard Mr. K. K. Parasar, learned Addl. P.P. for the State respondent.  
Apprehending arrest in connection with Jakhalabandha P.S. Case No. 87/2022 under Sections 379/411/34 IPC read with Section 13(1) of Assam Cattle Prevention Act, 2021 this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Md. Rofique Uddin for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR lodged by one Joyti Boro, S. I. of Police, Bagori Out Post.

The essence of allegation made in the FIR is that acting on a tip off the informant and staff have intercepted a Truck bearing registration No. AS 01 JC 9614, which was coming from Golaghat side, and they have also apprehended two person, namely, Kamal Hussain and Md.Nijam Uddin and found carrying 22 nos. of cattle in the said Truck without relevant documents and also they have intercepted one Ertiga vehicle bearing registration No.AS-01-BH-7742 and apprehended three persons, namely, Abdul Hamid, Atikur Rohman, Anowar Hussain and Zakir Hussain, owner of the vehicle who were escorting the vehicle with the cattle.

Mr. Dutta, learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in FIR and that he alongwith friends went to Dergaon Town cattle-buffalo market of Golaghat district, to purchase cattle for farming and the cattles were apprehended by the police. Further it is submitted that this Court was pleased to extend interim protection to the applicant vide order dated 28.7.2022, and that pursuant to said order the applicant appeared before the I.O. and he has been cooperating with the investigating agency, and therefore, it is contended to make the interim order dated 28.7.20223, absolute in same terms and condition.

Mr. Parasar, learned Addl. P.P. has produced the case diary before this Court and submits that there is no material to suggest that the applicant had appeared before the I.O. and his statement is recorded. However, Mr. Parasar submits that the I.O. has examined some witnesses and also seized relevant documents.

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. Parasar learned Addl. P.P.

In view of materials collected so far in the case diary and also in view of the statement made by the learned counsel for the applicant that the applicant had appeared before the I.O and his statement has been recorded also in view of the cooperation, being extended by the applicant to the investigating agency, his custodial interrogation seems to be not warranted in the interest of investigation. And accordingly, interim order dated 28.7.2022, 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**