

GAHC010143032022



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

Case No. : AB/2030/2022

MOZIBAR RAHMAN
S/O LATE BOSER SK,
VILLAGE ROWA PART III, PO MADHUSOULMARI, PS GAURIPUR, DIST
DHUBRI, ASSAM, 783331
OWNER OF PULSAR 15 CC.REGD. NO. AS-17-F/7644

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR. M HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 19.01.2023

Heard Mr. M. Hussain, learned counsel for the accused/applicant. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

This petition under Section 438 Cr.P.C., is preferred by applicant, namely, **Mozibar Rahman**, who has been apprehending arrest in connection with **Dhubri P.S. Case No. 115/2022** under Sections 379/411 of the IPC read with Section 13 of the Assam Cattle Preservation Act, 2021 (G.R. Case No. 341/2022), for grant of pre-arrest bail.

The said case has been registered on the basis of one FIR lodged by UBC Jadumoni Bhakat of Dharmasala Watch Post on 11.02.2022, to the effect that acting on a tip off, they have conducted search at Gaspara area, at about 10.30 pm at night, and they have found one cattle inside one bag, being carried by some culprits and they fled away leaving two motorcycles, bearing Registration No. AS-17 F/7644, and 17-D/1721.

The learned counsel for the applicant submits that this Court was pleased to grant interim bail to the applicant vide order dated 25.07.2022, and pursuant to the said order, the applicant has appeared before the IO on three occasions and his statement is recorded and he has been co-operating with the investigating agency and therefore, it is contended that interim order dated 25.07.2022, be made absolute in the same terms and conditions.

On the other hand, Mr. R. J. Baruah, learned Additional PP has produced the case diary before this Court and submits that the case is pending for arrest of the accused person and there is not endorsement of the IO. In the case diary regarding appearance of the applicant before the IO concerned.

Having heard the submissions 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 produced before this Court with the assistance of Mr. R. J. Baruah, learned Additional Public Prosecutor.

In view of the materials collected so far in the Case Diary and also in view of the submission of learned counsel for the applicant that the applicant has appeared before the IO and his statement has been recorded and in view of the co-operation, being extended by the applicant to the investigating agency his custodial detention, in the interest of the investigation, seems to be not warranted here in this case.

Accordingly, this Court is inclined to make the interim order, dated 25.07.2022, absolute in the same terms and conditions.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant