

GAHC010162872023



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

Case No. : AB/2624/2023

SIDDIK ALI
S/O- JAHAN UDDIN, R/O- VILL.- CHALAKURA PT-III, P.S. FAKIRGANJ, DIST.
DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

22.08.2023

Heard Mr. S. Islam, learned counsel for the applicant. Also heard Ms. S.H. Bora, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 438 Cr.P.C. is preferred by the applicant Siddik Ali, who has been apprehending arrest in connection with Agomoni P.S. Case No.99/2023

under Sections 379/411 IPC read with Section 13(i) of the Assam Cattle Preservation Act, 2021, 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 Azizul Hoque Bepari on 05.06.2023, to the effect that on 31.05.2023, he along with staff found one vehicle bearing Registration No.AS-17C-5576 (Bolero Pickup Vehicle) parked at Kherbari Khusiarbhita and also found the driver of the vehicle absent and on being searched, he found 4 nos. of cattle in the backside of the vehicle.

4. Mr. Islam, learned counsel for the applicant submits that the applicant is the registered owner of the vehicle and in support of his submission, Mr. Islam has produced one registration certificate. Further, Mr. Islam submits that the applicant is innocent and he is no way involved with the offence alleged in the FIR and he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Ms. S.H. Bora, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the applicant is the registered owner of the vehicle as per note of the I.O. and that the driver of the vehicle has been absconding since the time of occurrence and therefore, Ms. Bora submits that a direction may be issued to the applicant to appear before the I.O. with the documents to show that he is the registered owner of the said vehicle and to call for the updated case diary from the I.O. concerned.

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 Ms. Bora, learned Additional Public Prosecutor.

7. It appears from the registration certificate of the vehicle, produced before this Court by Mr. Islam that the applicant is the registered owner of the same. In view of the materials collected so far in the case diary as well as the progress of investigation, custodial interrogation of the applicant seems to be not warranted here in this case and accordingly, this Court is inclined to allow this petition.

8. It is provided that in the event of arrest of the applicant in connection with

Agomoni P.S. Case No.99/2023, under Sections 379/411 IPC, he shall be enlarged on pre-arrest bail on his executing a bail bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the arresting authority. The above privilege is, however, subject to the following conditions:-

- (i) The applicant shall make himself available for interrogation by the Investigating Officer as and when required;
 - (ii) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
 - (iii) The applicant shall not leave the jurisdiction of the learned C.J.M., Dhubri, without prior permission.
9. In terms of above, this anticipatory bail application stands disposed of.
10. CD be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant