

GAHC010166352023



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

Case No. : AB/2626/2023

SAHED ALI @ HAYED ALI
S/O- LATE MASUM ALI,
R/O- PASTIBARI,
P.S- KAZIGAON, DIST- KOKRAJHAR, ASSAM, PIN-783332

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR A K AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

10.10.2023

Heard Mr. A.K. Ahmed, learned counsel for the applicant and also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Kazigaon P.S. Case No.46/2023 under Section 379/411 IPC read with Section 13(1)/16 of the Assam Cattle Preservation Act, 2021, this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Sahed Ali @ Hayed Ali, 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 UBC Iquebal Hussain Bhuiyan on 02.06.2023. The essence of allegation made in the FIR dated 02.06.2023 is that acting on a tip off, the informant and other police staff conducted search in the house of accused Hayej Ali on 01.06.2023, and recovered 4 cattle and the informant suspect that the said cattle were stolen from other States and thereafter, he used to sell the same in different places of Assam.

4. Mr. Ahmed, learned counsel for the applicant submits that the applicant was granted the privilege of interim pre-arrest bail vide order dated 31.07.2023 and pursuant to the said order, the applicant had appeared before the I.O. and he has been cooperating with the investigating agency and that the applicant has purchased the cattle for the agriculture purpose and therefore, Mr. Ahmed contended to make the interim order dated 31.07.2023 absolute, in the same terms and conditions.

5. On the other hand, Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, producing the case diary before this Court submits that the I.O. has collected sufficient incriminating materials against the applicant and therefore, Mr. Borthakur opposed the petition.

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 Mr. Borthakur, learned Additional P.P.

7. The case diary indicates that the applicant had appeared before the I.O., pursuant to the order of this Court, dated 31.07.2023, and he has been extending cooperation with the investigating agency. It also appears from the Annexure-2, a money receipt, annexed by the applicant with the petition that he has purchased the same from one Saba Bibi of

Ujanpeta Part-II, under Dhubri district. It also appears from the case diary that the I.O. has achieved substantial progress in the investigation of this case.

8. In view of above, custodial interrogation of the applicant seems to be not warranted here in this case. Accordingly, this Court is inclined to make the interim order dated 31.07.2023 absolute, in the same terms and conditions.

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

10. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant