

GAHC010173182023



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

Case No. : AB/2753/2023

NISAR AHMED
S/O MD. AJAJ AHMED
R/O AMBIKAGIRI RAY
CHOUDHURY ROAD,
TINSUKIA, P.O. AND P.S. TINSUKIA,
DIST. TINSUKIA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N HASAN
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 28-08-2023

Heard Mr. N. Hasan, learned counsel for the applicant and also heard Mr. M.P.Goswami, learned Addl. P.P. for the State respondent.
Apprehending arrest in connection with Chabua P.S.Case No. 80/2023 u/s 120(B)/379 IPC R/W Section 11(1)(a) of the Prevention of Cruelty to Animals Act,1960 R/W Section 13 of the Assam Cattle Preservation Act, 2021, this

application under Section 438 Cr.P.C, is preferred by the applicant, namely, Nisar Ahmed for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR lodged by S.I. Sourov Kumar Changmai on 20.6.2023.

The essence of allegation made in the FIR is that on 18.6.2023 at about 9-30 PM. they have found one Truck bearing registration No.UP 21 BN 8830, carrying 32/35 nos of stolen cattle, without any document.

Mr. Hasan learned counsel for the applicant submits that the applicant is the owner of the vehicle and the cattle recovered from the vehicle was not stolen cattle and same were owned by one Abul Kalam and that the applicant is ready to cooperate with the Investigating agency and therefore, it is contended to allow this petition.

Whereas, Mr. M.P.Goswami, learned Addl.P.P.has opposed the petition and submits that the I.O. has collected materials in support of the allegation made in the FIR and therefore, it is contended to dismiss the petition.

Having heard the submission of learned Advocate for both sides, I have gone through the petition and the documents place on record and also perused the case diary, produced by Mr. Goswami before this Court.

Having regards to the materials so far so far in the case diary and also having regards to the facts and circumstances in the record, custodial interrogation of the applicant seems to be not necessary herein this case and therefore, this Court is inclined to allow this petition .

Accordingl, it is provided that in the event of arrest of the applicant, in connection with Chabua P.S.Case No. 80/2023, u/s 120(B)/379 IPC, he shall be enlarged on pre-arrest bail on his executing a bond of Rs.50,000/ with one surety of like amount to the satisfaction of the arresting authority.

The above privilege is, however, subject to the following conditions:

1. That the applicants shall make himself available for interrogation by the Investigating Officer as and when required;
2. That 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
3. That the applicants shall not leave the jurisdiction of the learned CJM, Dibrugarh, without prior permission.

JUDGE

Comparing Assistant