

GAHC010176572023



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

Case No. : AB/2804/2023

RANJIT KR. MODAK
S/O LT. ANIL CH. MODAK,
VILL.- BHUTIADANGA, P.S.- SUKCHAR, DIST.- SOUTH SALMARA-
MANKACHAR, ASSAM, PIN- 783131.

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM.

Advocate for the Petitioner : MR. L R MAZUMDER

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

22.09.2023

Heard Mr. A.Z. 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 Sukchar P.S. Case No.84/2023, under Section 120(B)/406/379 IPC and under Section 13(1) of the Assam Cattle Preservation Act, 2021, this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Ranjit Kr. Modak 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 S.I. Prasad Ch. Ray on 04.03.2023. The essence of allegation made in the FIR is that pursuant to an order of learned Chief Judicial Magistrate, South Salmara, Mankachar, he had conducted an audit and found many cattle are missing in the Pound and Gosala.
4. Mr. Ahmed, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant vide order dated 11.08.2023 and pursuant to the said order, the applicant had appeared before the I.O. and his statement is recorded and he is ready to cooperate with the investigating agency and therefore, it is contended to make the interim order dated 11.08.2023, absolute, in the same terms and conditions.
5. On the other hand, Mr. P. Borthakur, learned Additional Public Prosecutor submits that the I.O. has collected sufficient materials against the applicant and that the post-mortem report of the deceased cattle submitted as Annexure-2 series in the petition are also doubtful and investigation is directed in that line also and therefore, Mr. Borthakur has vehemently opposed this 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. It appears from the case diary that the applicant had appeared before the I.O. and he has been cooperating with the investigating agency. The case diary also indicates that the I.O. has achieved substantial progress in the investigation of the case though some materials have been collected against the applicant by the I.O. during investigation yet.
8. In view of the cooperation being extended by the applicant to the investigating agency, his custodial interrogation seems to be not warranted here in this case and therefore, the interim order dated 11.08.2023, is hereby made 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