

GAHC010176782023



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

Case No. : AB/2884/2023

RASHIDUL HOQUE
S/O- NACIM UDDIN,
R/O- VILLAGE BORGHULI NO-3,
P.S- AMBAGAN , DIST- NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 30.08.2023

Heard Mr. T. Chutia, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State.

This anticipatory bail application has been preferred under Section 438 of Code of Criminal Procedure, 1973, by the present petitioner, namely, Rashidul Hoque, praying for grant of pre-arrest bail to the petitioner, who is apprehending arrest in connection

with Khetri P. S. Case No. 128/2023 under Sections 379/411/34 of the Indian Penal Code read with Section 11 of the Prevention of Cruelty to Animal Act, 1960 read with Section 7/13 Assam Cattle Preservation Act, 2021.

The accusation in this case is that on 07.07.2023, one Saurav Saha lodged an FIR before the Officer-in-Charge of Khetri Police Station, *inter-alia*, alleging that on 27.07.2023 at about 6.00 am when the first informant was conducting patrolling duty along the National Highway No. 37, two numbers of vehicle bearing Registration No. AS-01LC-2373 and one another vehicle bearing registration No. AS-12CC-1335 (Mahindra Bolero Pickup) were intercepted and on search it was found that some cattle were being carried out in such vehicles and the said cattle were covered with banana leaves and lemons, only to conceal the cattle. Total 20 numbers of bulls were found from the said vehicles and the drivers and the handyman of the said vehicles were apprehended.

On receipt of the said FIR, Khetri P. S. Case No. 128/2023 was registered.

Learned counsel for the petitioner has submitted that the present petitioner is the registered owner of the vehicle No. AS-12CC-1335 which was seized in connection with the Khetri P. S. Case No. 128/2023.

It is also submitted that the petitioner used to rent his vehicle on hire and he is not aware as to how the hirer used the said vehicle. It is also submitted that the petitioner is in no way involved in the offence alleged in the FIR.

On the other hand, learned Additional Public Prosecutor has placed the case diary of Khetri P. S. Case No. 128/2023 which was called for in connection in this case and has submitted that in the instant case, the offence has been committed in an organized manner and there may be possibility involved of present petitioner in the alleged offence.

I have considered the submissions made by learned counsel for both sides and

materials available on record.

Though, there may be possibility of involvement of the present petitioner in the offence alleged in the instant case, however, on perusal of the case diary of the Khetri P. S. Case No. 128/2023, it appears that none of the witnesses whose statements were recorded by the Investigating Officer has directly implicated the involvement of the present petitioner in the alleged offence. His only involvement is that the vehicle involved in the instant case belongs to the present petitioner and according to the submission of the learned counsel for the petitioner, the petitioner has given the said vehicle on hire as the vehicle was commercial vehicle.

Considering the submissions made by learned counsel for both sides and materials available on record, this anticipatory bail application is disposed of with a direction that the petitioner shall appear before the Khetri P. S. Case No. 128/2023 within a period of ten days from the date of this order and shall co-operate with the Investigating Officer in fair completion of investigation and if he does so, within the stipulated period of time, in the event of his arrest in connection with Khetri P. S. Case No. 128/2023, they shall be allowed to go on bail on furnishing of bail bond of Rs. 30,000/- (Rupees Thirty Thousand only), with one surety of like amount to the satisfaction of the arresting authority with the condition that the petitioner shall co-operate in the investigation of this case.

With the above observation, this anticipatory bail application is disposed.

Send back the case diary.

JUDGE

Comparing Assistant