

GAHC010176812023



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

Case No. : AB/2897/2023

MD. ABDUL RAHMAN AND ANR.
S/O MD. ABUL KADIR,
VILL.- OUANA, P.S.- RUPAHIHAT, DIST.- NAGAON, ASSAM.

2: RINKU DAS
S/O ANKUL DAS

VILL.- DEOYANPASHA
P.S.- DHARMANAGAR
DIST.- NORTH TRIPURA

VERSUS

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

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

27.09.2023

Heard Mr. T. Chutia, learned counsel for the applicants and also heard Ms. N. Das,

learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under Section 438 Cr.P.C. is preferred by the applicants, namely, Md. Abdul Rahman and Rinku Das, who have been apprehending arrest in connection with Basistha P.S. Case No.386/2023, under Section 379/34 IPC read with Section 13(1)/16 of the Assam Cattle Preservation Act, 2021 read with Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960, 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 Jisu Janakya Gogoi, S.I. of Basistha P.S. on 06.07.2023. The essence of allegation made in the FIR is that on that day at about 5:00 a.m. they have intercepted one Truck bearing Registration No.NL-01AB-4928 and found 36 nos. of cattle, being carried in the said vehicle, without any valid documents.

4. Mr. Chutia, learned counsel for the applicants submits that this Court was pleased to grant interim protection to the applicants vide order dated 22.08.2023, and pursuant to the said order, the applicants had appeared before the I.O. and the statement of applicant No.2 Rinku Das has been recorded. But, on the day of appearance of the applicant No.1 Md. Abdul Rahman, the I.O. was absent and therefore, his statement could not be recorded and since they have been cooperating with the investigating agency, a contention is being made to make the interim order dated 22.08.2023 absolute, in the same terms and conditions.

5. On the other hand, Ms. N. Das, learned Additional Public Prosecutor has opposed the petition and producing the case diary before this Court, Ms. Das submits that the applicant No.2 had appeared before the I.O., but there is no endorsement in the case diary to show appearance of Md. Abdul Rahman, applicant No.1 before the I.O. Further, Ms. Das submits that the I.O. has achieved substantial progress in the investigation of this case.

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. Das, learned Additional P.P.

7. In view of the materials collected so far in the case diary and also in view of the progress of investigation as well as the cooperation, being extended by the applicants to the investigating agency, their custodial interrogation seems to be unwarranted here in this case and therefore, this Court is inclined to make the interim order dated 22.08.2023, absolute, in the same terms and conditions.

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

9. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant