

GAHC010185562023



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

Case No. : AB/2926/2023

SAFIKUL ALI
S/O KERAMOT ALI,
VILL.- BHOGAMUR,
P.S.- SAMAGURI, P.O.- KAWAIMARI, DIST.- NAGAON, ASSAM, PIN- 782124.

VERSUS

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

Advocate for the Petitioner : MR M H AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
ORDER

12.10.2023

Heard Mr D M Khan, learned counsel for the applicant. Also heard Mr P Borthakur, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Khetri PS Case No. 124/2023, under Sections 379/411/34 of IPC, read with Section 11 of the Prevention of Cruelty to Animal Act, read with Section 7/13 of the Assam Cattle Preservation Act, this application under

Section 438 of the Code of Criminal Procedure, 1973, is preferred by the applicant, Safikul 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 one Sri Rajani Hazarika of Khetri Police Station, on 25.07.2023. The essence of allegation made in the FIR is that while attending patrolling duty on 25.07.2023, at about 12:45 am, the informant along with his staff apprehended one Truck bearing Registration No. AS-02-BC-1657, and on checking the same, they have found 36 numbers of cattle being carried illegally without any document and apprehended one Jehirul Islam, Abu Bakkar Ali, and Kamrul Islam.

4. Mr Khan, learned counsel for the applicant submits that the applicant was granted the privilege of interim bail by this Court, vide order dated 01.09.2023, and pursuant to the said order, the applicant has appeared before the IO on 01.09.2023 and his statement has been recorded and he has been cooperating with the Investigating Agency and therefore, Mr Khan contended to make the interim order, dated 01.09.2023, absolute in the same terms and conditions.

5. On the other hand, Mr P Borthakur, learned Additional Public Prosecutor has produced the case diary before this court and submits that the applicant has appeared before the IO and that the investigation has progressed substantially and the case is pending for arrest of one co-accused.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of Mr Borthakur, learned Additional Public Prosecutor.

7. It appears that the applicant was granted the privilege of interim pre-arrest bail vide order dated 01.09.2023 and pursuant to the said order, he has appeared before the IO and he has been extending cooperation with the Investigating Agency. Further, it

appears from the Case Diary that the investigation has progressed substantially.

8. In view of above, custodial interrogation of the applicant seems to be not warranted here in this case and, therefore, the interim order dated **01.09.2023**, is hereby made absolute in the same terms and condition.

9. In terms of above this AB stands disposed of.

10. The case diary be returned.

JUDGE

Comparing Assistant