

GAHC010188722023



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

Case No. : AB/2954/2023

JAMALUDDIN AHMED
S/O ABDUL ALI
R/O SANTIPUKHURI (PART)
P.S. SIPAJHAR
DIST. DARRANG, ASSAM
PRESENTLY R/O HAJO, P.O. HAJO
P.S. HAJO, DIST. KAMRUP, ASSAM
PIN-781102, MOB. 9864027090

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR A K AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 13-09-2023

Heard Mr. A. K. Ahmed, learned counsel for the applicant and also heard Ms. N. Das, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Sonapur P.S.Case No.161/2023, u/s 379/411/34 IPC read with Section 11(1)(a)(b)(d) of Prevention of Cruelty to Animal Act, 1960 read with Section 13(1) of the Assam Cattle Preservation Act, 2021, this application u/s 438 Cr.P.C. is preferred by applicant, namely, Md. Jamaluddin Ahmed for grant of pre-arrest bail.

It is to be noted herein that the above noted case has been registered on the basis of FIR lodged by one Hemanta Kalita on 7.8.2023.

The essence of allegation made in the FIR dated 7.8.2023 is that on 6.8.2023 at about 9-30 AM, the informant and staffs have intercepted one TATA Truck bearing registration No.AS-25-EC-3297, and also apprehended two persons namely, Afjaur Rahman and Rajib Ali, while they were illegally carrying 26 nos. of cattle without any relevant documents.

Mr. Ahmed, learned counsel for the applicant submits that the applicant is the registered owner of vehicle and the vehicle was seized in connection with Sonapur P.S.Case No.161/2023, and he has applied for releasing the said vehicle in his custody, and accordingly, the vehicle has been released in his custody vide order dated 19.8.2023 by the Judicial Magistrate, Ist Class, Guwahati. Mr. Ahmed, learned counsel for the applicant further submits that the applicant is ready to appear before the I.O. and he will cooperate with the investigating agency and therefore, it is contended to allow the petition.

On the other hand, Ms. N. Das, learned Addl. P.P. has produced the case diary before this court and submits that material part of the investigation is almost over and that the applicant is the registered owner of the vehicle, bearing registration No.AS-25-EC-3297.

Having heard the submissions 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 Addl. P.P.

In view of the materials collected so far in the case diary and also having regards to the nature of accusation and punishment prescribed for the offences, custodial interrogation of the applicant seems to be not warranted herein this case. And accordingly, it is provided that in the event of arrest of the applicant, in connection with Sonapur P.S.Case No.161/2023, he shall be released 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 applicant make himself available for interrogation by the Investigating Officer as and when required;
2. That, the applicant shall not directly or indirectly, make any 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.
3. That the applicant shall not leave the jurisdiction of the learned CJM, Kamrup(M) without prior permission.

In terms of above, this A.B. stands disposed of.

Case diary be returned.

JUDGE

Comparing Assistant