

GAHC010195352023



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

Case No. : AB/3036/2023

LATIF ALI @ ABDUL LATIF SK
S/O AFULUDDIN SK,
R/O CHACHLAPARA, P.S.- CHAPAR, DIST.- DHUBRI, ASSAM.

VERSUS

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

Advocate for the Petitioner : MR B BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

21.09.2023

Heard Mr. B. Bora, learned counsel for the applicant and also heard Ms. N. Das, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Chapar P.S. Case No.170/2023, 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, Latif Ali @ Abdul Latif Sk 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 Khanjan Jyoti Choudhury, S.I. of Chapar P.S. on 17.08.2023. The essence of allegation made in the FIR is that acting on a tip off the informant has recovered 6 nos. of cattle from the possession of one Abdul Hussain and Surut Jamal @ Shanti of Barunitara Pt-II under Chapar P.S. and apprehended two persons, namely, Abdul Hussain and Surut Jamal @ Shanti and another person, namely, Saibuddin Sk had managed to escape and they are involved in smuggling cattle to Bangladesh.

4. Mr. Bora, learned counsel for the applicant submits that the applicant is innocent and he is no way involved with the offence alleged in the FIR and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

5. On the other hand, Ms. N. Das, learned Additional Public Prosecutor has vehemently opposed the petition and producing the case diary before this Court, Ms. Das submits that the I.O. has collected sufficient incriminating materials against the applicant and therefore, it is contended to dismiss the 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 Ms. Das, learned Additional P.P.

7. It appears from the case diary that the I.O. has collected some materials against the applicant. The case diary also indicates that the I.O. has achieved some progress of this case and he has examined the witnesses and also seized the cattle.

8. Having regards to the nature and gravity of the offence and also the punishment prescribed for the offences and also the stage of investigation, custodial interrogation of the applicant seems to be not warranted here in this case and accordingly, this Court is

inclined to grant the privilege of pre-arrest bail to the applicant. Accordingly, it is provided that in the event of arrest of the applicant, namely, Latif Ali @ Abdul Latif Sk in connection with Chapar P.S. Case No.170/2023, under Section 13(1) of the Assam Cattle Preservation Act, 2021, he shall be enlarged on pre-arrest bail on his executing a bail bond of Rs.50,000/- with one surety of the like amount to the satisfaction of the arresting authority. The above privilege is, however, subject to the following conditions:-

- (i) The applicant shall make himself available for interrogation by the Investigating Officer as and when required;
 - (ii) The applicant shall not, directly or indirectly, make any inducement, 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; and
 - (iii) The applicant shall not leave the jurisdiction of the learned S.D.J.M.(M), Bilasipara, without prior permission
9. In terms of above, this anticipatory bail application stands disposed of.
10. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant