

GAHC010217032023



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

Case No. : AB/3320/2023

FERDY SUCHIANG
S/O WULDA SUCHIANG
R/O H/N 258, SHANGPUNG ROAD,
THADMUTHLONG C.
P.S. THADMUTHLONG,
DIST. WEST JAINTIA HILLS,
MEGHALAYA.
PRESENT ADDRESS-
R/O H/N- 20, DURGA MANDIR PATH,
NARBAM, LALMATI
P.S. BASISTHA,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 10.10.2023

Heard Mr. S. M. Abdullah, learned Counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor appearing for the State of Assam.

2. This Anticipatory Bail petition has been filed by the petitioner, namely, Ferdy Suchiang in connection with Jakhalabandha Police Station Case No. 124/2023 under Sections 379/411 of the IPC, Read with Section 11 (1) (a) (d) (e) of Prevention of Cruelty to Animal Act and Read With Section 13(1) of the Assam Cattle Preservation Act, 2021.

3. The FIR dated 25.08.2023 was lodged by one Charanjit Lahan, I/C, Bagori P.P. In the said FIR allegations were made in respect of seizure of 44 (forty four) numbers of Bullocks loaded in the 12 wheeler truck bearing Registration No. AS-01-FC-9639. The petitioner is the owner of the said vehicle. The learned counsel for the petitioner refers to the photocopy of the Registration Certificate of the vehicle reflecting his name as the owner.

4. The said FIR was received and registered as Jakhalabandha Police Station Case No. 124/2023 under Sections 379/411 of the IPC, Read with Section 11 (1) (a) (d) (e) of Prevention of Cruelty to Animal Act and Read With Section 13(1) of the Assam Cattle Preservation Act, 2021.

5. This Court by order dated 27.09.2023 called for the Case Diary. The Case Diary called for has been received.
6. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State. He submits that the matter is still under investigation and at this stage grant of anticipatory bail to the petitioner will not be in the interest of the investigation as the petitioner may not co-operate with the investigation.
7. The case diary produced by the learned Additional Public Prosecutor has been perused. Pleadings on record have also been carefully perused.
8. Upon perusal of the case diary, no incriminating materials are found against the petitioner at the stage of investigation to suggest that grant of anticipatory bail at this stage as prayed for by the petitioner would hamper the investigation carried on by the police in respect of the FIR lodged by the informant.
9. Accordingly, this Court is of the view that in the event of his arrest in connection with the Jakhalabandha Police Station Case No. 124/2023 under Sections 379/411 of the IPC, Read with Section 11 (1) (a) (d) (e) of Prevention of Cruelty to Animal Act and Read With Section 13(1) of the Assam Cattle Preservation Act, 2021, the petitioner is released on furnishing a bail bond of Rs.50,000/- (Rupees fifty thousand) only with two local sureties of like amount to the satisfaction of the Arresting Authority.
10. The petitioner will co-operate with the investigation

undertaken by the Investigating Officer in connection with Jakhalabandha Police Station Case No. 124/2023. The anticipatory bail granted however, is subjected to the following conditions:-

1. That the petitioner shall appear before the Investigating Officer within 10(ten) days and co-operate in the investigation as and when required;
2. The petitioner will not move out the territorial jurisdiction of the police station, without prior written permission from Officer-in-Charge, Jakhalabandha Police Station.
3. That the petitioner will not hamper or tamper with the investigation in any manner; and
4. That the petitioner will not, directly or indirectly, make any inducement, threat or promise to any person/witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer in connection to this Police Station Case.

11. If any of the conditions are found to be violated then the Investigating Officer shall be at liberty to seek cancellation of the bail granted to the petitioner.

12. Anticipatory bail petition is accordingly disposed of.
13. Case dairy be returned.

JUDGE

Comparing Assistant