

GAHC010219672023



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

Case No. : AB/3332/2023

MILAN GHOSH
S/O SUBAL GHOSH
R/O GHURNI NATUNPARA, GHURNI , KOTWALI, NAIDA,
WEST BENGAL-741103.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 11.10.2023

Heard Mr. P. Dutta, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State/respondent.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-

arrest bail by the petitioner, namely, **Milan Ghosh**, in connection with **Basistha Police Station Case No. 451/2023** registered **under Sections 379/429 of IPC r/w Section 13(1)/16 of the Assam Cattle Preservation (Amendment) Act, 2021 and r/w Section 11(1)(d) of Prevention of Cruelty to Animal Act, 1960.**

It has been submitted by the learned counsel for the petitioner that the petitioner is the registered owner of the seized vehicle wherein 38 nos. of live cattle and 3 nos. of dead cattle were recovered by police. But the petitioner has no knowledge regarding carrying of the cattle in his vehicle. Under such backdrop and considering the nature of offence, the benefit of pre-arrest bail may be extended to the petitioner.

On the other hand, Mr. Gogoi, learned Addl.P.P. has submitted that from the case diary, it appears that the petitioner is the registered owner of the said vehicle. He has no objection if the prayer of the petitioner is granted.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

On perusal of case diary, it cannot be ascertained whether the cattle have been transported with the consent of the petitioner. It is also not known whether the cows belong to the petitioner.

Accordingly, it is provided that in the event of arrest of the petitioner above named, in connection with **Basistha Police Station Case No. 451/2023** registered **under Sections 379/429 of IPC r/w Section 13(1)/16 of the Assam Cattle Preservation (Amendment) Act, 2021 and r/w Section 11(1)(d) of Prevention of Cruelty to Animal Act, 1960**, he shall be released on furnishing bail bond of **Rs.20,000/-** with a **suitable surety** of the like amount, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioner:

(a) shall appear before the Investigating Police Officer of concerned Police Station, within ten days from today and shall co-operate with the investigation;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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.

The anticipatory bail application stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant