

GAHC010238062023



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

Case No. : AB/3586/2023

SOFIQUUL ALOM CHOUDHURY
S/O LATE ABDUL MOTIN CHOUDHURY
R/O BALIJAN NAGAR,
BYE LANE-II,
KERAKUCHI
P.O. HATIGAON
DIST. KAMRUP (M), ASSAM
PIN-781038

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : I AMIN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

02.11.2023

Heard Mr. D.M. Khan, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor, appearing for the State of Assam.

This application under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Sofiqui Alom Choudhury, who is apprehending his arrest in connection with Basistha P.S. Case No. 606/2023, corresponding to G.R. No. 7534/2023 under Section 379 of the Indian Penal Code, R/W Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960, R/W Section 13(1)/16 of the Assam Cattle Preservation Act, 2021.

The accusation in this case is that on 09.10.2023, one Shri Jisu Janakya Gogoi, S.I. of Police lodged an FIR before the Officer-in-Charge of Basistha Police Station, *inter-alia*, alleging that on 08.10.2023 during patrolling duty at Jorabat area, one vehicle bearing Registration No. AS-27-C-6567 was intercepted which carrying 47 numbers of cattle in the said vehicle. During interrogation the driver and the helpers of the vehicle could not produce any documents regarding the ownership of the cattle and it was suspected that said cattle were illegally carried in the aforesaid vehicle.

Mr. D.M. Khan, learned counsel for the petitioner submits that the present petitioner is the registered owner of the seized vehicle and in support of his submission he has produced the copies of registration certificate of the said vehicle.

He has also submitted that he engaged the driver and the helpers in the

vehicle to help him in carrying the goods which are carried in the said vehicle on heir basis, however, it is submitted that the present petitioner was not aware of the fact that his vehicle was used by the driver without his permission for carrying cattle.

It is also submitted by learned counsel for the petitioner that the petitioner is ready to co-operate with the Investigating Officer.

On the other hand, learned Additional Public Prosecutor submitted has produced the case diary of Basistha P.S. Case No. 606/2023 and has submitted that the Investigating Officer has recorded the statement of the arrested drivers and helpers and they have not implicated the present petitioner in their statement.

Learned Additional Public Prosecutor also submits that the investigation is still going on.

Considering the submissions made by learned counsel for both the parties as well as on perusal of the case diary of Basistha P.S. Case No. 606/2023, this Court is of the considered opinion that if the present petitioner co-operates with the Investigating Officer in investigation, his custodial detention may not be necessary for fair completion of the investigation of the case.

Hence, the petitioner, namely, Sofiqui Alom Choudhury is hereby directed to appear before the Investigating Officer of Basistha P.S. Case No. 606/2023, within a period of 10(ten) days from the date of this order and co-operate in investigation. If he does so within the stipulated period of time, in the event of their arrest in connection with Basistha P.S. Case No. 606/2023, he shall be allowed to go on interim bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority with a condition that he shall co-operate in the investigation.

With the above observations, this Anticipatory Bail Application is hereby disposed of.

JUDGE

Comparing Assistant