

GAHC010253802023



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

Case No. : AB/3778/2023

AHIDUL ISLAM @ WAHIDUL
S/O ABDUL MOMIN
R/O VILL- BAJIA GAON
MOUZA- KHATUWAL, P.S. SAMAGURI
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. K BORUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 29.11.2023

Heard Ms. P. Borah, learned counsel for the petitioner. Also heard Also heard Ms. A. Begum, learned Additional Public Prosecutor for the State.

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

pre-arrest bail by the petitioner, namely, **Ahidul Islam @ Wahidul**, in connection with **Samaguri P.S. Case No. 302/2023**, registered under **Section 379/411/413 of IPC r/w Section 11(1)(d) of Prevention of Cruelty to Animal Act, 1960 r/w Section 13(1) of Assam Cattle Preservation Act, 2021.**

It is submitted by the learned counsel for the petitioner that the petitioner is the owner of the seized cattle and the same was purchased from Rajmai Weekly Animal Market, Sivasagar. It is also submitted that the petitioner is a businessman by profession and he has never committed such offence as alleged in the FIR. That being so, custodial interrogation of the petitioner is not required. Hence, the benefit of pre-arrest bail may be granted to the petitioner.

On the other hand, Ms. Begum, learned Addl.P.P. has opposed in granting the privilege of pre-arrest bail to the petitioner. It is also submitted that the petitioner is very much involved in committing such as alleged in the FIR. Therefore, at this stage, the prayer of the petitioner may not be considered.

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

It appears that the petitioner has submitted some documents to prove the ownership of the seized cattle. Considering the facts as well as the materials available thereon, this Courts finds that custodial interrogation of the petitioner is not required for the purpose of investigation of the case. Therefore, he is granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioner, named above, in connection with **Samaguri P.S. Case No. 302/2023**, registered under **Section 379/411/413 of IPC r/w Section 11(1)(d) of Prevention of Cruelty to Animal Act, 1960 r/w Section 13(1) of Assam Cattle Preservation Act, 2021**, 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 within ten days from today and shall co-operate with the investigation;

(b) 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.

Return the case diary.

JUDGE

Comparing Assistant