

GAHC010255172023



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

Case No. : AB/3814/2023

RAJU KUMAR CHETRI
S/O TIKARAM CHETRI,
R/O ADARSHA NAGAR, 10 MILE, AMERIGOG N.C., DIST.- KAMRUP (M),
ASSAM, PIN- 781023.

VERSUS

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

Advocate for the Petitioner : MR. D BHUYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 29.11.2023

Heard Mr. D. Bhuyan, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, 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, **Raju Kumar Chetri**, in connection with **Sonapur P.S. Case No. 222/2023**, registered under Section **379/411/34 of IPC r/w Section 11(a)(b)(d) of Prevention of Cruelty to Animal Act r/w Section 13(1)/14 of Assam Cattle Preservation Act.**

It is submitted by the learned counsel for the petitioner that the petitioner is the registered owner of the vehicle bearing Regd. No. As-09-AC-4190 wherefrom 35 nos. of cattle were recovered. According to the learned counsel for the petitioner that the petitioner has no knowledge regarding transportation of the cattle in his vehicle. Considering the nature of the offence, the benefit of pre-arrest bail may be extended to the petitioner.

On the other hand, Mr. Goswami, learned Additional Public Prosecutor for the State submits that the driver and handyman of the said vehicle were arrested and as per statement of the driver, it is not reflected that the petitioner has knowledge about transportation of cattle in his vehicle. Therefore, the prayer of the petitioner may be considered at this stage.

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

Considering the materials available in the case diary as well as the statement of the driver of the said vehicle, this Court 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 **Sonapur P.S. Case No. 222/2022**, registered under Section **379/411/34 of IPC r/w Section 11(a)(b)(d) of Prevention of Cruelty to Animal Act r/w Section 13(1)/14 of Assam Cattle Preservation Act**, 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 accordingly.

Return the case diary.

JUDGE

Comparing Assistant