

GAHC010255982023



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

Case No. : AB/3854/2023

SAIDUL HOQUE @ SAIDUL SK AND ANR
S/O SOFIAL SK
R/O MADHYAPETLA
P.S. TAMARHAT
DIST. DHUBRI, ASSAM

2: BAKKAR ALI
S/O ENSAF ALI
R/O UTTAR ALOKJHARI
P.S. TAMARHAT

DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 29.11.2023

Heard Mr. S.A. Barbhuyan, learned counsel for the petitioners. 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 petitioners, namely, **Saidul Hoque @ Saidul SK and Bakkar Ali**, in connection with **Tamarhat P.S. Case No. 118/2023**, registered under **Section 13(1) of Assam Cattle Preservation Act**.

It is submitted by the learned counsel for the petitioners that the petitioners are no way involved in the alleged offence. It is also stated that the petitioners are falsely implicated in this case. As per FIR, 5/6 persons had been seen along with large number of cattle in the border area. Subsequently, an FIR has been lodged showing the names of the petitioners. The cattle were recovered from grazing ground. That being so, custodial interrogation of the petitioners is not required. Hence, the benefit of pre-arrest bail may be granted to the petitioners.

On the other hand, Mr. Goswami, learned Addl.P.P. has opposed in granting the privilege of pre-arrest bail to the petitioner. It is also submitted that the petitioners are involved in smuggling and selling the cattle in illegal way. Therefore, at this stage, the prayer of the petitioners may not be considered.

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

Considering the facts as well as the materials available thereon, this Courts finds that custodial interrogation of the petitioners is not required for the purpose of investigation of the case. Therefore, they are granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioners, named above, in connection with **Tamarhat P.S. Case No. 118/2023**, registered under **Section 13(1) of Assam Cattle Preservation Act**, they shall be released on furnishing bail bond of **Rs.20,000/- each** with **a suitable surety each** of the like amount, to the satisfaction of the arresting authority.

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

(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