

GAHC010001952024



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

Case No. : AB/37/2024

DILDAR HUSSAIN
S/O ABDUL KADIR
R/O VILL- JIEWMARI, TELIACHAPARI
DIST. NAGAON, ASSAM
PIN-782125

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. A. MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

22.01.2024

1. Heard Ms. A. Medhi, learned counsel appearing for the petitioner. Also heard Mr. G. P. Goswami, learned Addl. Public Prosecutor, Assam appearing for the State respondent.
2. This petition under Section 438 Cr.P.C., is filed for the privilege of pre-arrest bail to the petitioner, namely, **Dildar Hussain** apprehending his arrest in connection with

Basistha P.S. Case No. 788/2023 registered u/s **379** of the IPC read with Section 11(1)(d) of Prevention of Cruelty to Animal Act, read with Section 13(1)/16 of Assam Cattle Preservation Act, 2021.

3. The Case diary, as called for, is placed before the Court.

4. It is submitted at the bar that the petitioner is the owner of the vehicle and he was not aware that cattle were transported through his INTRA vehicle bearing registration No.as-02-dc-1528.

5. I have also considered the submission that the petitioner is a local resident and he will abide by any bail condition if imposed upon him.

6. Perusal of case diary reveals that investigation has progressed to a considerable extent. Considering all aspects and in view of my foregoing discussions, petition is allowed.

7. Accordingly, it is provided that in the event of arrest, the petitioner, named above, shall be released on pre-arrest bail, in connection with the above noted case on furnishing bail bond of **Rs. 30,000/-** with one local surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

- (i) That the petitioner shall appear before the Investigating Officer within 10 days; failing which on and from the 11th day, the pre-arrest bail order shall automatically come to end.
- (ii) That the petitioner shall refrain from committing any similar offence in future of which he is accused or suspected of commission.
- (iii) That the petitioner shall not leave the jurisdiction of the Court without prior permission from the jurisdictional court.

8. Breach of any of the above conditions shall render cancellation of the pre-arrest bail.

9. Return the case diary.

10. This disposes off the anticipatory bail application.

JUDGE

Comparing Assistant