

GAHC010002782024



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

Case No. : AB/45/2024

PRANAB SARMA
S/O HABI SARMAH
R/O VILL- SARUTHEKERABARI
MANGALDOI, RANGAMATI
P.O. AND P.S. MANGALDOI
DIST. DARRANG, ASSAM
PIN-784125

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S S S RAHMAN

Advocate for the Respondent : PP, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

18.01.2024

This is an application under Section 438 of the CrPC in respect of

Dhula Police Station Case No.262/2023, registered under Sections 409/420 of the Indian Penal Code.

I have heard the learned counsel Mr. SSS Rahman appearing for the petitioner. Also heard Mr. K.K. Das, the learned Addl. Public Prosecutor representing the State of Assam.

The present petitioner runs a Goshala. Police seized some cows in connection with a particular case and kept those cows in the Goshala of the petitioner. Later on, police was directed to give custody of those cows to some other persons. When police went to the Goshala, they found that those cows were missing from Goshala. Therefore, police lodged an FIR against the present petitioner stating that he might have sold those cows.

The case diary also reveals the same fact.

Mr. Rahman submits that the petitioner is the owner of the Goshala, which is ran by his employees. Mr. Rahman submits that in the said act, the employees of the petitioner might be involved. But the petitioner has no knowledge about that fact.

I have considered the submissions of the learned counsels of both sides.

I have decided to accept the submissions of Mr. Rahman. Therefore, the pre-arrest bail application of the petitioner is allowed.

It is hereby directed that in the event of arrest in connection with Dhula Police Station Case No.262/2023, registered under Sections 409/420 of the Indian Penal Code, the petitioner Pranab Sarma shall be released

on bail of ₹25,000/- with a surety of like amount to the satisfaction of the arresting authority. The petitioner is also directed to appear before the Investigating Officer and to co-operate with police investigation as and when called for by the Investigating Officer.

With the aforesaid direction, the application for bail is disposed of.

JUDGE

Comparing Assistant