

GAHC010004672024



2024:GAU-AS:11817

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

Case No. : AB/80/2024

MAINUL HOQUE
S/O- SAHIDUL HOQUE, RESIDENT OF VILLAGE- BALAKUTHI, P.S.
BOXIRHAT, DIST.- COOCH BIHAR, WEST BENGAL

VERSUS

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

Advocate for the Petitioner : MR. S ISLAM, MR A HAWARI
Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

28/11/2024

Heard Mr. S Islam, learned counsel for the petitioner and Ms. S H Bora, learned Additional Public Prosecutor, Assam for the State.

2. The petitioner, namely, **Mainul Hoque**, son of Sahidul Hoque, resident of Village-Balakuthi, P.S. Boxirhat, District-Cooch Bihar, West Bengal, has filed this application under Section 438 Cr.P.C., seeking pre-arrest bail apprehending his arrest in **Golakganj P.S. Case No. 430/2023** registered under Sections 279/427 IPC read with Section 13(1) of Assam Cattle Preservation Act, 2021, read with Section 11 of Prevention of Cruelty to Animals Act, 1960.

3. Pursuant to the order dated 19.11.2024, Sub-Inspector of Police, Sri Debojit Kalita, the Officer-in-Charge of Golakganj Police Station, District-Dhubri is personally present before the Court today.

4. Pursuant to the order dated 19.11.2024, Sri Debojit Kalita, Officer-in-Charge of Golakganj Police Station has filed an affidavit on 26.11.2024 stating the reasons as to why the case diary as called for by the Court could not be forwarded on earlier occasions. In the said affidavit, Sri Debojit Kalita, Officer-in-Charge of Golakganj Police Station further stated that due to some technical issues, the official e-mail of Golakganj Police Station could not be operated properly for which the said police station faced inconveniences for couple of months. Further, Sri Debojit Kalita, Officer-in-Charge of Golakganj Police Station tendered unconditional apology before the Court stating that under his jurisdiction, he shall comply with the orders of the Court in future and shall send the case diaries to the respective Courts as per the direction of the Court.

5. Considering the submissions made by Sri Debojit Kalita, Officer-in-Charge of Golakganj Police Station in his affidavit filed in the case, his personal appearance in said Golakganj P.S. Case No. 430/2023 stands dispensed with directing him to comply with the orders of the Court forthwith without fail.

6. With regard to the case in hand, Ms. Bora, learned Additional Public Prosecutor, Assam, on instruction submitted that police after completion of investigation of the case has already submitted charge-sheet in said Golakganj P.S. Case No. 430/2023 vide Charge-Sheet No. 209/2024 dated 27.09.2024.

7. In view of the above, the petitioner, **Mainul Hoque**, is directed to approach the appropriate forum for his regular bail in said Golakganj P.S. Case No. 430/2023 on or before **07.12.2024**.

8. Till then (i.e., **07.12.2024**), the petitioner shall remain on interim bail granted to him earlier on 11.01.2024 in said Golakganj P.S. Case No. 430/2023.

9. With the above observation and direction, this pre-arrest bail application stands disposed of.

JUDGE

Comparing Assistant