

GAHC010005012024



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

Case No. : AB/69/2024

FARIDA KHATUN
C/O IKRAMUL HUSAIN R/O VILL. KURANIBORI MORISTAPAN P.S
.MORIGAON DIST. MORIGAON ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for : M. HOSSAIN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 25.01.2024

Heard Mr. M. Hossain, learned counsel for the petitioner *Farida Khatun*.

2. The petitioner has filed this application under Section 438 of the Code of Criminal Procedure as she is apprehending arrest in connection with Sonapur Police Station Case No. 277/2023 under Sections 379/411/34 of the Indian Penal Code read with Section 13(1)/14 of the Assam Cattle Preservation

(Amendment) Act, 2021 read with Section 11(1) (a) (b) (d) of Prevention of Cruelty to Animals Act, 1960.

3. The FIR unfolds that the vehicle bearing registration No. *AS-01-QC-0994* was apprehended with 19 head of cattle which were being smuggled through this vehicle. It is submitted on behalf of the petitioner that the petitioner is the owner of the vehicle and she was not aware that the cattle which were being carried by her vehicle were allegedly smuggled cattle.

4. Heard the learned Additional Public Prosecutor Mr. R.R. Kaushik.

5. I have perused the case diary. I have considered the submissions at the bar. I have considered the submission that the petitioner being a woman was not aware that her vehicle was used for carrying smuggled cattle. I have also considered the submissions that custodial interrogation may not be required. I have considered the submission that the investigation has progressed to a considerable extent. The petitioner is a local resident. The petitioner has pledged to cooperate with investigation as well as with the trial.

6. Considering all aspects, petition is allowed.

7. In the event of her arrest, the petitioner shall be enlarged on bail on furnishing a bail bond of *Rs.30,000/- (Rupees Thirty Thousand)* with a suitable surety of like amount to the satisfaction of the arresting authority under the condition that:

The petitioner shall appear before the Investigating Officer within ten days and cooperate with the investigation, failing which this bail order shall stand cancelled.

8. In the above terms this anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant