

GAHC010005802024



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

Case No. : AB/122/2024

SATISH TIWARI AND ANR
S/O- NABARDESHWA TIWARI,
R/O- VILLAGE WARD NO-1, NAHARKATIYA TOWN,
P.S- NAHARKATIYA,
DIST- DIBRUGARH, ASSAM

2: ABDUL HAKIM
S/O- AHAMAD ALI
R/O- VILLAGE MOHGHULI BORGOLA
P.S- LAKHIMPUR
DIST- LAKHIMPUR
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

23.01.2024

Heard Mr T Chutia, learned counsel for the petitioners, 1) Satish Tiwari, and 2) Abdul Hakim.

2. The petitioners have filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as they are apprehending arrest in connection with Khetri PS Case No. 202/2023, under Sections 379/411/34 IPC, read with Sections 11 (1) (a) (d) (e) of the of the Prevention of Cruelty to Animal Act, 1960, read with Sections 13(1)/16 of the Assam Cattle Preservation Act, 2021.
3. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam.
4. I have considered the submissions at the Bar with circumspection.
5. I have also perused the Case Diary.
6. It is submitted at the Bar that the petitioner No. 1 is the owner of the vehicle bearing Registration No. NL-02-Q-5257 and the petitioner No. 2 is the owner of the cattle.
7. It is submitted that the petitioner No. 2 is the legitimate owner of the cattle and Annexure-2 series reflects the receipts relating to purchasing of cattle from JRD Market under Morigaon Zilla Parishad.
8. It is also submitted that the petitioner No. 1, who is the owner of the vehicle was not privy to the allegation that the cattle transported through his vehicle were stolen cattle.
9. The contents of the Case Diary are not brought to the fore. However, the Case

Diary reveals that investigation has progressed to a considerable extent.

10. The petitioners are local residents and they have pledged to cooperate with the investigation.

11. It appears that custodial interrogation of the petitioners may not be required for the progress or conclusion of investigation.

12. Considering all aspects, petition is allowed. In the event of their arrest, the petitioners shall be enlarged on bail on furnishing bail bonds of Rs. 30,000/- each with a suitable surety each of the like amount to the satisfaction of the arresting authority under the conditions that:-

i) the petitioners shall appear before the IO within 10 (ten) days and cooperate with the investigation,

ii) the petitioners shall refrain from such activities with which they are alleged, and

iii) the petitioners shall not jump the bail.

On breach of any bail conditions, bail order shall stand cancelled.

13. Bail Application stands disposed of.

14. Send back the Case Diary.

JUDGE

Comparing Assistant