

GAHC010017172024



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

Case No. : AB/161/2024

BIBI JERINA
W/O KAPILUDDIN AHMED
R/O VILL- JALUGOTI
P.S. MIKIRBHETA
DIST. MORIGAON
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MD B ISLAM
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

15.02.2024

Heard Mr A Alam, learned counsel appearing on behalf of Mr B Islam, learned counsel for the petitioner, Bibi Jerina.

2. This application under Section 438 of the Code of Criminal Procedure, 1973 has

been filed by the petitioner, namely, Bibi Jerina, who is apprehending her arrest in connection with Pragjyotispur P.S. Case No. 175/2024 under Sections 379/411 of the Indian Penal Code read with Section 13(1) of the Assam Cattle Preservation (Amendment) Act, 2021 read with Section 11(a)(b)(d) of the Prevention of Cruelty to Animals Act, 1960.

3. The gist of the accusation in this case is that on 23.12.2023, one Sanjib Das had lodged an FIR before the Officer-in-Charge of Pragjyotispur Police Station, inter alia, alleging that on receipt of an information through reliable sources, a naka checking was conducted at Chandrapur Thana Bazar and during the naka checking, a vehicle bearing Registration No. AS-01-LC-2612 was intercepted and during search of the said vehicle, it was found that it was carrying 21 head of cattle. The driver of the said vehicle failed to show any documents regarding the said cattle.

3. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam.

4. I have considered the submissions at the Bar.

5. Case Diary is received.

6. I have scrutinized the Case Diary.

7. It is submitted that the petitioner is the owner of the vehicle. She has the relevant documents in her possession. The petitioner has appeared before the IO and has cooperated with the investigation.

8. I have considered the submission that the petitioner has not violated any bail condition. The petitioner is a local resident and she has already cooperated with the investigation.

9. Considering all aspects and in view of my foregoing discussions, the interim order dated 22.01.2024 is hereby made absolute, under the condition that-

i) the petitioner shall refrain from such activities with which she is alleged, failing which, bail order shall stand cancelled.

10. Bail Application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant