

GAHC010016032024



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

Case No. : AB/215/2024

MD. MUQTAB ALI @ MOKTAB ALI
SON OF- IDRICH ALI, R/O- DALBARI, P.S. MORIGAON, DIST.- MORIGAON

2: IDRICH ALI
SON OF- LATE MAHAR ALI
R/O- DALBARI
P.S. MORIGAON
DIST.- MORIGAO

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 21-02-2024

Heard Mr. R. Ali, learned counsel for the applicant and also heard Mr. R. J. Barua, learned Addl. P.P. for the State respondent.

This application, under Section 438 Cr.P.C. is preferred by applicants, namely, 1.

Md. Muqtab Ali @ Moktab Ali and 2. Idrich Ali who have been apprehending arrest in connection with Dharamtul P. S. Case No. 3/2024, under Section 379/411/34 IPC, read with Section 13(1) of Assam Cattle Preservation Act, 2021, read with Section 11(1)(a)(b) of Prevention of Cruelty to Animals Act, 1960, for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR lodged by one Junu Ranjan Deuri on 1.10.2024.

The essence of allegation made in the FIR dated 10.1.2024 is that acting on a tip off on 10.1.2024, the informant, alongwith police staff, proceeded to Bihubori Gaon, where the public apprehended one vehicle with some cattle, being carried in the same illegally and accordingly, the informant has arrived at there and taken custody of the vehicle bearing registration No. AS 02 DC 2504, alongwith seven cattle and the driver of the vehicle.

The learned counsel for the applicants submits that the I.O. has completed investigation and submitted charge sheet showing the applicants as absconder in the same and thereafter, the learned Court below has taken cognizance of the offence against the applicants alongwith other co-accused and issued summon to them and subsequently, issued non-bailable warrant of arrest against them and that the applicants are ready to face trial and will appear before the learned Court below on each and every date and the next date is fixed by the learned Court below on 2.4.2024 and till then, the applicants may be extended the privilege of pre-arrest bail, so that they can appear before the learned Court below.

On the other hand, Mr. Barua, learned Addl. P.P. also confirmed that after completion of investigation, the I.O has laid charge sheet, being Charge sheet

No. 3/2024, dated 31.1.2024, u/s 379/411/34 IPC read with Section 13(1) of Assam Cattle Preservation Act, 2021, read with Section 11(1)(a)(b) of Prevention of Cruelty to Animals Act.

In view of the submission of learned Advocates of both sides, this Court is inclined to dispose of this application by directing the applicants to appear before the learned Court below **on 2.4.2024**, and to apply for regular bail and in the event of filing such an application, the Court below shall consider the same, in accordance with law.

Till then, in the event of arrest of the applicants, in connection with Dharamtul P. S. Case No. 3/2024, under Section 379/411/34 IPC, read with Section 13(1) of Assam Cattle Preservation Act, 2021, read with Section 11(1)(a)(b) of Prevention of Cruelty to Animals Act, they shall be released on pre arrest bail on their executing a bond of Rs.50,000/- each with one surety of like amount to the satisfaction of the arresting authority.

The above privilege is, however, subject to the following conditions:

1. That the applicants shall appear before the learned Court below **on 2.4.2024**.
2. That the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
3. That the applicants shall not leave the jurisdiction of the learned CJM, Morigaon without prior permission.

JUDGE

Comparing Assistant