

GAHC010017172024



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

Case No. : AB/211/2024

ZAKIR HUSSAIN
S/O IDRISH ALI
R/O JALUGUTI
P.S. MIKIRBHETA
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

15.02.2024

Heard Mr T Hussain, learned counsel for the petitioner, Md Zakir Hussain.

2. The petitioner has filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as he is apprehending 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) of the Prevention of Cruelty to Animals Act, 1960.

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

4. The learned Additional Public Prosecutor has raised objection stating that the petitioner was involved in Inter-State transportation of cattle. There are incriminating materials against the petitioner in the Case Diary.

5. I have considered the submissions at the Bar.

6. I have scrutinized the Case Diary.

7. Indeed, there are incriminating materials in the Case Diary, against the petitioner.

8. The petitioner has submitted the receipts relating to purchase of 23 head of cattle and those are marked as Annexures-2 to 9 of the petition.

9. It is submitted that custodial interrogation may not be required, as investigation has progressed to a considerable extent.

10. The co-accused, i.e., the driver of the vehicle has already been released on bail.

11. The petitioner is a local resident and he is willing to abide by any bail conditions, if imposed upon him.

12. Considering all aspects, petition is allowed. In the event of his arrest, the petitioner shall be enlarged on bail of Rs. 30,000/-, with a suitable surety of the like amount to the

satisfaction of the arresting authority, under the conditions that-

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

10. Bail Application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant