

GAHC010017362024



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

Case No. : AB/210/2024

AMIRUL ISLAM
S/O AZIZUL HOQUE
R/O VILL- UDHANTULA
P.O. PATIACHAPARI
P.S. DHING
DIST. NAGAON, ASSAM
PIN-782123

VERSUS

THE STATE OF ASSAM
REP.BY THE PP, ASSAM

Advocate for the Petitioner : MR. D M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

08.02.2024

Heard Mr D M Khan, learned counsel for the petitioner, Amirul Islam.

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 Basistha PS Case No. 15/2024 (corresponding to GR Case No. 171/2024), under Section 379 IPC, read with

Section 11 (1) (d) of the Prevention of Cruelty to Animals Act, 1960, read with Section 13 (1)/16 of the Assam Cattle Preservation Act, 2021.

3. Heard Mr M P Goswami, learned Additional Public Prosecutor for the State of Assam.

4. The FIR unfolds that on 09.01.2024, at about 04:30 am, the Police staff during patrolling checked the Vehicle bearing Registration No. AS-01-NC-4286, lying in an abandoned condition at Sankar Bhojanalaya towards Meghalaya. The vehicle was loaded with 23 head of cattle.

5. The learned counsel for the petitioner has submitted that the cattle has been purchased from different markets. The learned counsel for the petitioner has also submitted the receipts of purchasing the cattle.

6. The learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary, against the petitioner. As soon as the driver saw the Police, the driver fled away abandoning the vehicle, which was later on seized in connection with this case.

7. I have scrutinized the Case Diary.

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

9. At present, the receipts relating to the cattle which was transported has been furnished now, but earlier, the driver speculated that the cattle was smuggled cattle, and, thus, he fled the scene.

10. However, as investigation has progressed to a considerable extent and as the

petitioner is willing to cooperate with the investigation, I am inclined to grant pre-arrest bail to the petitioner.

11. The petitioner is a local resident and he is not a flight risk. The petitioner has also pledged to abide by any bail conditions, if imposed upon him.

12. In view of my foregoing discussions, petition is allowed. In the event of his arrest, the petitioner shall be enlarged on bail on furnishing bail bond 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 appear before the IO within 10 (ten) days and cooperate with the investigation, and
- ii) the petitioner shall refrain from such activities with which he is alleged,
- iii) the petitioner shall not jump the bail, and
- iv) the petitioner shall cooperate with the trial.

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

13. Bail Application stands disposed of.

14. Send back the Case Diary.

JUDGE

Comparing Assistant