

GAHC010025432024



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

Case No. : AB/293/2024

ARIFUL ISLAM
S/O SHIRAJUL ISLAM
R/O JIEWMARI
P.S. RUPAHIHAT
DIST.NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

27.02.2024

Heard Mr. S. M. Abdullah P, learned counsel for the petitioner. Also heard Mr. D. P. Goswami, learned Additional Public Prosecutor for the State.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioner, namely, **Ariful Islam**, in connection with **Basistha P.S. Case No. 66/2024**, registered under **Section 120(B)/379 IPC R/W**

**Section 11(1)(d) of Prevention of Cruelty to Animal Act and R/W
Section 13(1)/16 of the Assam Cattle Preservation Act.**

The Case diary, as called for, is placed before the Court.

It is submitted by the learned counsel for the petitioner that the petitioner is the owner of the cattle and he is no way connected with the alleged offence. He further submitted that the petitioner has appeared before the trial court for zimma of the cattle and the trial court vide order dated 20.01.2024 had given zimma of the cattle to the present petitioner accordingly Section 379 is not attracted here in this case. Learned counsel for the petitioner further submitted that the petitioner has license of transporting cattle and his bail prayer may be considered.

On the other hand, Mr. D. P. Goswami, learned Additional Public Prosecutor for the State has produced the case diary and submitted that the seized cattle belong to the petitioner.

I have considered the submissions made by the learned counsel for the parties.

Considering the submissions made by the learned counsel for the parties and perusing the materials in the case diary, this Court is of the opinion that custodial interrogation of the petitioner may not be necessary in the interest of investigation in the case.

Accordingly, it is provided that in the event of arrest, the petitioner, named above, shall be released on pre-arrest bail, in connection with the above noted case on furnishing bail bond of **Rs. 20,000/-** with one local surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

- (i) That the petitioner shall appear before the Investigating Officer

within 10 days from today failing which on and from the 11th day, the pre-arrest bail order shall automatically come to end

- (ii) That the petitioner 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 Police Officer or the Court.
- (iii) That the petitioner shall refrain from committing any similar offence in future of which he is accused or suspected of commission.

Return the case diary.

This disposes off the anticipatory bail application.

JUDGE

Comparing Assistant