

GAHC010028362024



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

Case No. : AB/323/2024

MIR ALOM
SON OF LATE IBRAHIM MIAH @ IBRAHIM MIYA VILLAGE PURBA
CHILIGURI SAMUKTALA P.S. AND DISTRICT ALIPURDUAR WEST BENGAL

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR. A Z AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

13.03.2024.

Heard Shri AZ Ahmed, learned counsel for the applicant, namely, Mir Alom, who has filed this anticipatory bail application under Section 438 of the Cr.PC praying for pre-arrest bail in connection with PRC Case No. 16/2024 under Section 13(1) of the Assam Cattle Preservation Act, 2021 arising out of Golakganj PS Case No. 350/2023 under Section 13(1) of Assam Cattle

Preservation Act, 2021.

2. Shri KK Das, learned Addl. PP, Assam, however, has submitted that the petitioner had approached this Court on an earlier occasion with a similar prayer which was considered on 10.01.2024 in AB/3843/2023. By referring to the said order, the learned Addl. PP has submitted that on being informed that the charge sheet was already submitted, the application was closed by giving liberty to the applicant to appear before the trial court and pray for regular bail and in such event, the application was to be considered and decided on its own merits.

3. After hearing the parties, this Court is of the view that when the aforesaid order was already passed, the present application itself may not maintainable. This Court had also recorded in the last order the details of the charge sheet which is numbered as 433/2023 dated 30.11.2023 filed before the learned CJM, Dhubri.

4. In view of the above, the instant anticipatory bail application is dismissed.

5. However, the direction given in the last order dated 10.01.2024 of this Court would prevail.

JUDGE

Comparing Assistant