

GAHC010033662024



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

Case No. : AB/385/2024

DULAL UDDIN AND ANR.
S/O LATE NUR MAHAMMAD
R/O VILL- DHUPGURI GAON (PUB),
P.S. BATADROBA
DIST. NAGAON, ASSAM

2: NAJRUL HAQUE KABIR
S/O LATE KUDRAT ALI
R/O VILL- DHUPGURI
P.S. DHING
DIST. NAGAON
ASSAM
PIN-78212

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M A SHEIKH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 19.03.2024

Heard Mr. M.A. Sheikh, learned counsel for the petitioners. Also
heard Mr. B. Sarma, learned Additional Public Prosecutor for the State

of Assam.

This is an application made under **Section 438 Cr.P.C.**, seeking pre-arrest bail by the petitioners, namely, **Dulal Uddin and Najrul Haque Kabir**, apprehending arrest in connection with **Basistha P.S. Case No. 59/2024**, registered under Section **379 IPC r/w Section 11(i)(d) Assam Cattle Preservation Act, 2021 13(i)/16 Prevention of Animal Act, 1960**.

Mr. Sheikh, learned counsel for the petitioners submits that the petitioners have appeared before the Investigating Police Officer as per direction of this Court and their statements have already been recorded after they were granted interim protection. They have not misused the liberty granted to them; rather, they co-operate with the investigation of the case. Therefore, the privilege of pre-arrest bail granted to the petitioners may be made absolute.

Mr. Sarma, learned Additional Public Prosecutor for the State submits that the petitioners may appear before the investigating officer as and when called for. As the statement of petitioners have already been recorded by the investigating officer and as such, their custodial interrogation may not be required.

I have considered the submission made by the learned counsel for the parties and also perused the case diary.

It appears that the petitioners have not misused the liberty granted to them while availing interim protection. It is directed to the petitioners to appear before the investigating officer as and when called for.

Considering all, this Court is of the view that the petitioners

deserve to be granted the privilege of pre-arrest bail.

Accordingly, the interim protection granted to the petitioners vide order dated 19.02.2024, is made absolute on the same terms and conditions, as reflected.

The petition stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant