

GAHC010035062024



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

Case No. : AB/436/2024

ASHADUL ISLAM
S/O AKKAS ALI
R/O UDHANTULA
P.O. PATIACHAPARI
P.S. DHING
DIST. NAGAON, ASSAM
PIN-782122

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
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 07.03. 2024

Heard Mr. DM Khan, learned counsel for the petitioner and Mr. DP Goswami, learned Addl. Public Prosecutor for the State respondent.

2. By filling this bail application under Section 438 Cr.P.C., the petitioner has

prayed for pre-arrest bail, who is apprehending arrest in connection with Bashistha P.S. Case No. 41/2024 (Corresponding to GR Case No. 366/2024) registered under Sections 120B/ 379 IPC, read with Section 11(1)(d) of the Prevention of Cruelty to Animals Act, read with Section 13(1)/16 of the Assam Cattle Preservation Act.

3. Case diary is received and perused.

4. Heard both sides.

5. It is submitted by Mr. Khan, the learned counsel for the petitioner that the petitioner is the owner of the 17 numbers of cattles which he purchased from daily market and money receipts are also enclosed alongwith the present petition. It is further submitted that two numbers of vehicle were intercepted by the police during investigation and in one vehicle 17 numbers of cattles were loaded which were purchased by him. Being the cattle owner, he has apprehension of arrest in connection with the case and hence the present petition has been filed seeking pre-arrest.

6. In this context, Mr. Goswami, the learned Addl. PP has submitted that there is nothing against the present petitioner in the case diary. The driver and other accused were arrested in connection with this case and they did not mention the name of the present petitioner. Accordingly, he may be given a chance to appear before the I.O. and raised no objection in granting the privilege of pre-arrest bail.

7. Considering the submission made by the learned counsel for both sides and materials in the case diary, I find it a fit case to extend the privilege of pre-arrest bail to the accused/ petitioner.

8. Accordingly it is provided that in the event of arrest of the petitioner in connection with the aforementioned case, the petitioner be released on pre-arrest bail on furnishing a bond of Rs. 20,000/- with a suitable surety of like amount to the satisfaction of the arresting authority, subject to the following conditions that:-

- (a) the petitioner shall appear before the I.O. within 7 days from today.
- (b) the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (c) 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 Court or any other police officer, and
- (d) the petitioner shall not hamper the investigation or temper with the evidence of the case.

9. Bail application is disposed of.

10. Return the case diary.

JUDGE

Comparing Assistant