

GAHC010038972024



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

Case No. : AB/513/2024

SOFIQUUL ALOM CHOUDHURY
S/O ABDUL MOTIN CHOUDHURY
R/O BALIJAN
NAGAR, BYE LANE -II,
NEAR MP ACADEMY, KERAKUCHI,
P.S. HATIGAON CHARIALI,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 13.03.2024

Heard Mr. M. Ahmed, learned counsel for the applicant. Also heard Mr. A. Baishya, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Sonapur P.S. Case No. 18/2024, under Sections 379/411 of the IPC, read with Section 11(1)(a)(b)(d) of the

Prevention of Cruelty to Animal Act, read with Sections 13(1)/14 of the Assam Cattle Preservation Act, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Sofiqui Alom Choudhury for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Hemanta Kalita on 07.02.2024. The essence of allegation made in the FIR dated 07.02.2024, is that on that day at round 2:11 a.m., the informant along with ASI Dipjyoti Nath and other staff of Sonapur P.S., were attending patrolling duty and at about 4:39 a.m., they intercepted a ten wheeler truck, bearing Registration No. AS-25-EC-0385 and having checked the same, they found 32 numbers of live cattle being carried in the said vehicle without relevant documents and then, seized the same in presence of witnesses.

4. Mr. Ahmed, learned counsel for the applicant submits that the applicant is the owner of the vehicle and he received notice under Section 41A of the Cr.P.C. from the I.O. and pursuant to the said notice, he had appeared before the I.O. and is cooperating with the investigating agency, and therefore, it is contended to allow the application.

5. On the other hand, Mr. A. Baishya, the learned Addl. Public Prosecutor has produced the case diary before this Court and confirms appearance of the applicant before the I.O. and also submits that his statement had already been recorded.

6. Having heard the submission of learned Advocates of both sides, I have gone through the application and the documents placed on record and also perused the case diary with the assistance of Mr. A. Baishya, learned Addl. Public Prosecutor.

7. The case diary indicates that the applicant has already appeared before the I.O. and his statement has already been recorded and he has been cooperating with the investigating agency.

8. In view of the materials collected so far in the case diary and also in view of the progress of investigation, custodial interrogation of the applicant seems not to be warranted here in this case and therefore, this Court is inclined to allow the application.

9. Accordingly, it is provided that in the event of arrest of the applicant in connection with Sonapur P.S. Case No. 18/2024, under Sections 379/411 of the IPC, read with Section 11(1)(a)(b)(d) of the Prevention of Cruelty to Animal Act, read with Sections 13(1)/14 of the Assam Cattle Preservation Act, he shall be released on pre-arrest bail on executing a bond of Rs. 50,000/- with one surety of like amount to the satisfaction of the arresting authority. The above privilege is, however, subject to the following conditions:

(i) The applicant shall make himself available for interrogation by the Investigating Officer as and when required;

(ii) The applicant 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 to any police officer; and

(iii) The applicant shall not leave the jurisdiction of the learned C.J.M., Kamrup(M), Guwahati, without prior permission.

10. In terms of above, this application stands disposed of.

11. Case diary be returned.

JUDGE

Comparing Assistant