

GAHC010039012024



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

Case No. : AB/535/2024

ABDUR REZZAK SHEIKH
SON OF LATE ABDUL MANNAN, RESIDENT OF VILLAGE- TIAMARI PART-I,
POLICE STATION- GAURIPUR, DISTRICT- DHUBRI, 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 : 08.04.2024

Heard Mr. M. Ahmed, learned counsel for the applicant and R.J. Baruah, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 438 Cr.P.C. is preferred by the applicant namely, Abdur Rezzak Sheikh, who has been apprehending arrest in connection with Basistha P.S. Case No. 52/2024, under Sections 379/34 IPC, read with

Section 11(1)(d) of the Prevention of Cruelty to Animal Act, read with Sections 13(1)/16 of the Assam Cattle Preservation Act, 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 Ritupon Kalita, S.I. of Police, Basistha P.S. on 22.01.2024. The essence of allegation made in the aforesaid FIR is that on that day, at about 4:30 a.m., while he was attending patrolling duty, he had intercepted two vehicles, one bearing Registration No. AS-17-B-6857 (Truck), carrying 30 numbers of live cattle, illegally without any document from Nagaon side towards Byrnihat, Meghalaya and also apprehended the driver of the vehicle, namely, Noor Islam and helper Noor Hussain and the other intercepted vehicle, white coloured Fronx vehicle, bearing Registration No.AS-01-FT-6306 and apprehended the driver of the said vehicle, namely, Muksidul Islam and his associates, namely, Saidul Islam and Ashique Iqbal, who were escorting the Truck where the cattle were being carried.

4. Mr. Ahmed, learned counsel for the applicant submits that the applicant had been granted the privilege of interim pre-arrest bail, vide order dated 04.03.2024, and pursuant to the said order, he had also appeared before the I.O. and he has been cooperating with the investigating agency, and therefore, a contention is being made that the interim order dated 04.03.2024, may be made absolute in the same terms and conditions. Mr. Ahmed further submits that the applicant is the owner of the Truck and the same has already been given in his custody by the learned Court below.

5. On the other hand, Mr. R.J. Baruah, the learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the applicant is the owner of the Truck. Further, Mr. Baruah submits that the applicant has been cooperating with the investigating agency and that his custodial interrogation is

not required for the interest of investigation.

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. Baruah, learned Addl. Public Prosecutor.

7. It appears that vide order dated 04.03.2024, this Court was pleased to extend interim protection to the applicant and thereafter, he had appeared before the I.O. and has been cooperating with the investigating agency. Further, in view of the cooperation being extended by the applicant and in view of the progress of investigation, his custodial interrogation, in the interest of investigation, seems not to be warranted here in this case.

8. Accordingly, the interim order dated 04.03.2024, is hereby made absolute in the same terms and conditions.

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

10. Case diary be returned.

JUDGE

Comparing Assistant