

GAHC010040232024



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

Case No. : AB/503/2024

HABIBUR RAHMAN AND ANR.
S/O HANIF ALI
R/O BALBARI,
P.O. BAR-SATRA, P.S. DHULA
DIST. DARRANG, ASSAM

2: GOLAP HUSSAIN
S/O HASEN ALI
R/O VILL AND P.O. DAIPAM
P.S. BECHIMARI
DIST. DARRANG
ASSAM
PIN-781121
MOBILE NO. 9864027090

VERSUS

THE STATE OF ASSAM
REP BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR A K AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

29.02.2024

Heard Mr. AK Ahmed, learned counsel for the petitioners. Also heard Mr. BB Gogoi, learned Additional Public Prosecutor, Assam for the State respondents.

This is an application under Section 438 Cr.P.C. for granting the privilege of pre-arrest bail to the petitioners, namely, 1. Habibur Rahman and 2. Golap Hussain, who are apprehending arrest in connection with Basistha P.S. Case No.60/2024 under Sections 379 IPC read with Section 11(1)(d) of Prevention of Cruelty to Animals Act, 1960 read with Section 13(1)/16 of the Assam Cattle Preservation Act, 2021.

The learned counsel for the petitioners submits that the petitioners are nowhere connected with the offence alleged. The petitioner No.1 is the owner of the vehicle bearing Registration No.AS26-AC-0482 and the petitioner No.2 is the owner of the cattles which were recovered from the said vehicle. According to the learned counsel for the petitioners, the petitioner No.2 has purchased the cattles in question and has produced the relevant purchase receipt, as such, the cattles were handed over to the petitioner No.2 and the vehicle was also given zimma to the petitioner No.1, being the owner as per the order of the learned trial court. Under such backdrop, it is prayed that the petitioners may be extended the benefit of pre-arrest bail.

The learned Additional Public Prosecutor, Assam has submitted that the matter may be disposed of as the petitioners have submitted all relevant documents regarding the ownership of the vehicle, in question, and purchase of the cattles.

I have perused the averments made in the application and also considered the submissions of the learned counsel for the parties.

In view of the above, this Court is inclined to grant the privilege of pre-arrest bail to the petitioners. Accordingly, the petitioners shall appear before the Investigating Police Officer within a period of 10 (ten) days from today, and, in the event of arrest of the petitioners above-named, in connection with the case aforementioned, they

shall be released on bail on furnishing a bail bond of Rs.10,000/- (Rupees ten thousand) each with one suitable surety of the like amount to the satisfaction of arresting authority.

Bail application, accordingly, stands disposed of.

JUDGE

Comparing Assistant