GAHC010048872024

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

Case No. : AB/606/2024

TAIZ UDDIN
S/O MD. JALAL UDDIN, R/O JEWMARI, P.S.-RUPAHIHAT, DIST- NAGON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 11.03.2024

Heard Mr. S.M. Abdullah P, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State.

This is an application filed under **Section 438 Cr.P.C**., praying for pre-arrest bail by the petitioner, namely, **Taiz Uddin,** in connection with **Khetri P.S.**

Case No. 16/2024, registered under **Section 379/411/34 IPC, r/w Section 11(1)(a)(d)(e) of Prevention of Cruelty to Animal Act, 1960 and r/w Section 13(1)/16 of Assam Cattle Preservation Act, 2021.**

It is submitted by the learned counsel for the petitioner that the petitioner is the registered owner of the seized vehicle bearing Regd. No. AS-01-RC-1521, wherefrom 15 nos. of cattle were recovered. In support of his submission, one registration certificate has been produced before this Court. According to the learned counsel for the petitioner that the petitioner has no knowledge regarding transportation of the cattle in his vehicle. Considering the nature of the offence, the benefit of pre-arrest bail may be extended to the petitioner.

On the other hand, Mr. Gogoi, learned Addl.P.P. has submitted that he has no objection if the prayer of the petitioner is allowed.

I have considered the submissions made by the learned counsel for the parties.

Considering the facts as well as the averments made in the petition, this Courts finds that custodial interrogation of the petitioner is not required for the purpose of investigation of the case. Therefore, he is granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioner, named above, in connection with **Khetri P.S. Case No. 16/2024,** registered under **Section 379/411/34 IPC, r/w Section 11(1)(a)(d)(e) of Prevention of Cruelty to Animal Act, 1960 and r/w Section 13(1)/16 of Assam Cattle Preservation Act, 2021,** he shall be released on furnishing bail bond of **Rs.10,000/-** with **a suitable surety** of the like amount, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioner:

(a) shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;

(b) 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.

The anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant