

GAHC010057582024



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

Case No. : AB/738/2024

AMIR CHOUDHURY
S/O LATE NASIR CHOUDHURY
R/O GOG, P.O. BAIHATA CHARIALI,
P.S. BAIHATA CHARIALI
DIST. KAMRUP, ASSAM
PIN-781121
MOB. 98640 27090

VERSUS

THE STATE OF ASSAM
REP BY THE LEARNED P.P, ASSAM

Advocate for the Petitioner : MR. A K AZAD
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

20.04.2024

Heard Mr. A. K. Azad, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, 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, **Amir Choudhury**, in connection with **Basistha P.S. Case No. 107/2024**, registered under **Section 379/34 IPC**, **R/W Section**

11(1)(d) of the Prevention of Cruelty to Animals Act, 1960, R/W Section 13(1)/16 of the Assam Cattle Preservation Act, 2021.

It is submitted by the learned counsel for the petitioner that the petitioner is the owner of the cattle who had purchased the cattle from Balikuchi Weekly Animal Market, which was recovered in connection with the case. In support of his submission, the petitioner has also submitted the relevant documents and receipt of purchasing of the said cattle and prayed that pre-arrest bail may be granted to the petitioners.

On the other hand, Mr. R. J. Baruah, learned Additional Public Prosecutor has produced the case diary and submits that the petitioner has submitted the document regarding purchasing of the cattle. In view of the above, benefit of pre-arrest bail may be extended to the petitioner.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

Considering the facts as well as the materials available thereon, this Courts finds that custodial interrogation of the petitioner is not required for the purpose of investigation of the case. Therefore, he may be granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest, the petitioner, named above, shall be released on pre-arrest bail, in connection with the above noted case on furnishing bail bond of **Rs. 20,000/-** 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.

Return the case diary.

JUDGE

Comparing Assistant