

GAHC010066722024



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

Case No. : AB/859/2024

REJAUL ISLAM
S/O ABDUL HAQUE MIYA, P/R/O VILL -PURBA FALIMARI, P.S.-BOXIRHAT,
DIST-COOCH BEHAR, WEST BENGAL

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

19.04.2024

Heard Mr. S. Das, learned counsel for the petitioner. Also heard Mr. D. P. Goswami, learned Additional Public Prosecutor appearing for the State respondent.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioners, namely, **Rejaul Islam** in connection with **Gossaigaon PS Case No. 45/2024**, registered under **Section 379/411/34 IPC read with Section 13(1)/14 of Assam Cattle Preservation Act.**

It is submitted by the learned counsel for the petitioner that ten numbers of cattle were recovered from a truck and the said truck was intercepted along with two

persons but the petitioner was not present there. The allegation against the petitioner is that he is the seller of the cattle to the persons who were found along with the truck. According to the learned counsel for the petitioner, the petitioner is originally hailing from West Bengal and he has no knowledge regarding the alleged offence. However, learned counsel for the petitioner prays that the benefit of pre-arrest bail may be extended to the petitioner and the petitioner will co-operate with the investigation.

On the other hand, Mr. D. P. Goswami, learned Additional Public Prosecutor has produced the case diary and submits that the allegation against the petitioner is that he sold out the cattle which were recovered in connection with this case. 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. 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.

Return the case diary.

JUDGE

Comparing Assistant