

GAHC010081642024



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

Case No. : AB/1056/2024

SOFIQUUL ALOM CHOUDHURY
S/O ABDUL MOTIN CHOUDHURY,
VILL.- BIDYAPARA PT- 2, A M CO ROAD, P.S.- DHUBRI, DIST.- DHUBRI,
ASSAM.

VERSUS

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

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 20.06.2024

Heard Mr. T. Chutia, learned counsel for the petitioner. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner,

who is apprehending arrest in connection with Basistha P.S. Case No. 179/2024, under Sections 379/34 of the Indian Penal Code *read with* Section 11 (1)(d) of Prevention of Cruelty of Animal Act, 1960, *read with* Section 13(1)/16 of the Assam Cattle Preservation Act, 2021.

CD received, perused the same and heard both sides.

It is submitted by Mr. T. Chutia, learned counsel for the petitioner, that the accused/petitioner has already appeared before the Investigating Officer after obtaining the order of interim pre-arrest bail and co-operated in the investigation of this case. Further, he submitted that the accused/petitioner is the owner of the vehicle, which is used as a live stock vehicle, and the same was given on rent to one Md. Ajgar Ali by executing the vehicle rent agreement and that apart, he is no way connected in the alleged offence. However, he is ready and willing to co-operate with the Investigating Officer in further investigation of this case if he is granted with the privilege of pre-arrest bail.

In this context, Mr. M. P. Goswami, learned Additional Public Prosecutor, has submitted that the accused/petitioner is co-operating with the Investigating Officer and his statement is also recorded under Section 161 Cr.P.C., wherein he claimed himself as the owner of the live stock vehicle.

After hearing the submissions of learned counsels for both sides and also considering the materials available in the Case Diary vis-a-vis the conduct of the present accused/petitioner, I find that custodial interrogation of the present accused/petitioner seems to be not necessary in this case and hence I find it a fit case to extend the privilege of pre-arrest bail to the present petitioner.

Accordingly, the interim pre-arrest bail granted by this Court vide order dated 24.04.2024 is hereby made absolute in same terms and conditions.

With the above observation, the present anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant