

GAHC010084632024



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

Case No. : AB/1109/2024

HANNAN ALI AND ANR.
W/O WAHED ALI,
VILL.- SILOCHI PATHAR,
P.S.- BAGHBOR,
DIST.- BARPETA, ASSAM.

2: MAHAR ALI
S/O FAJAL HOQUE

VILL.- KATAHBARI

P.S.- FATASAIL AMBARI

DIST.- KAMRUP (M)
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 MALASRI NANDI

ORDER

Date : 26.07.2024

Heard Mr. T. Chutia, learned counsel for the petitioners. Also heard Mr.

B. Sarma, learned Additional Public Prosecutor for the State of Assam.

By this petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners, namely, **Hannan Ali and Mahar Ali**, have prayed for granting pre-arrest bail, apprehending arrest in connection with Basistha P.S. Case No. 221/2024, under Section 379/34 IPC r/w Section 11(1)(d) of Prevention of Cruelty to Animal Act, 1960 and r/w Section 13(1)/16 of Assam Cattle Preservation Act, 2021.

Mr. Chutia, learned counsel for the petitioners submits that the petitioners have appeared before the Investigating Police Officer as per direction of this Court and their statements have already been recorded after they were granted interim protection. They have not misused the liberty granted to them; rather, they co-operate with the investigation of the case. Therefore, the privilege of pre-arrest bail granted to the petitioners may be made absolute.

Mr. Sarma, learned Additional Public Prosecutor for the State submits that the petitioners may appear before the investigating officer as and when called for. It is also submitted that the statements of petitioners have already been recorded by the investigating officer.

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

It appears that the petitioners have not misused the liberty granted to them while availing interim protection. It is directed to the petitioners to appear before the investigating officer as and when called for.

Considering all, this Court is of the view that the petitioners deserve to be granted the privilege of pre-arrest bail.

Accordingly, the interim protection granted to the petitioners vide order dated 30.04.2024, is made absolute on the same terms and conditions, as reflected.

The petition stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant