

GAHC010099752024



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

Case No. : AB/1297/2024

KISHOR KUMAR
S/O- BHAJUMAN PRASAD, VILL- GHODASAHAN, P.S. GHODASAHAN,
DISTRICT- PURBI CHAMPARAN, BIHAR

VERSUS

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

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

11. 06. 2024

Heard Mr. T Chutia, learned counsel for the petitioner. Also heard Mr. B Sarma, learned Additional Public Prosecutor, Assam.

By this application under Section 438 Cr.P.C., the petitioner, namely, Kishor Kumar seeking pre-arrest bail in connection with Basistha PS case No. 100/2024 under Section 379 IPC read with Section 11 (1)(d) of Prevention of Cruelty to

Animal Act, 1960 read with Section 13 (1)/16 Assam Cattle Preservation Act, 2021.

Perused the case diary. From the material available on record, it is seen that 25 Nos. of cattle were found abandoned in a vehicle. Accordingly, a case was registered. Subsequently, it is found that the petitioner is the owner of the vehicle.

Case diary also reveals that investigation has substantially been progressed.

Considering the matter in its entirety, this court is of the opinion that, in this case, custodial interrogation of the petitioner shall not be necessary for further investigation inasmuch as the petitioner can be directed to appear before the investigating officer to get his statement recorded.

In view of the aforesaid, the present bail application stands allowed. Accordingly, in the event of arrest of the petitioner above named, in connection with the case aforementioned, he shall be released on bail on furnishing bail bond of Rs.25,000/- with a suitable surety of the like amount, to the satisfaction of arresting authority. The pre-arrest bail is granted on the following conditions:

- (1) The petitioner shall not leave the territorial jurisdiction of the aforesaid police station, without prior written permission from its officer-in-charge,
- (2) The petitioner shall not hamper with the investigation, or tamper with the evidence of the case,
- (3) The petitioner 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,

(4) The petitioner shall appear before the Officer-in-charge, Basistha PS within 7(seven) days from today,

(5) The petitioner shall continue to appear before the Investigating Officer of the above mentioned case after every 10(ten) days from the date of first appearance till such time the attendance is dispensed with by the said investigating officer.

Bail application stands disposed of.

JUDGE

Comparing Assistant