

GAHC010099762024



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

Case No. : AB/1296/2024

JAYNAL ALI
S/O- SAMIR UDDIN, VILL- BARCHAKABAHA , PS MIKIRBHETA, DIST.-
MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR. T CHUTIA, MS S NASRAT

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

28/11/2024

Heard Mr. T Chutia, learned counsel for the petitioner and Ms. S H Bora, learned Additional Public Prosecutor, Assam for the State.

2. The petitioner, namely, **Jaynal Ali**, son of Samir Uddin, resident of Village-Barchakabaha, P.S. Mikirbheta, District-Morigaon, has filed this application under Section 438 Cr.P.C., seeking pre-arrest bail apprehending his arrest in **Basistha P.S. Case No. 714/2023** registered under Section 379 IPC

read with Section 11(1)(d) of Prevention of Cruelty to Animal Act, 1960, read with Sections 13(1)/16 of Assam Cattle Preservation Act, 2021.

3. Pursuant to the order dated 18.11.2024, Inspector, Sri Debananda Das, the Officer-in-Charge of Basistha Police Station, Guwahati along with Sri Bhaskar Jyoti Das, Inspector of Police, Jorabat Outpost under Basistha Police Station are personally present before the Court today.

4. Pursuant to the order dated 18.11.2024, Inspector, Sri Debananda Das, the Officer-in-Charge of Basistha Police Station has filed an affidavit on 26.11.2024 stating the reasons as to why the case diary that was called for by the Court, could not be forwarded on earlier occasions. In the said affidavit, Inspector Sri Debananda Das, Officer-in-Charge of Basistha Police Station stated that from the Basistha Police Station, on several occasions, information/signals were sent to the Jorabat Police Outpost through dak runner and that there were some lapses on the part of the concerned staff either of the Basistha Police Station or of the Jorabat Police Outpost, for which the orders of the Court calling for case diary were not within his personal knowledge. Further, Inspector, Sri Debananda Das, the Officer-in-Charge of Basistha Police Station tendered unconditional apology before the Court for such unintentional lapse on his part in not furnishing the case diary within the time stating that under his jurisdiction, he shall comply with the orders of the Courts in future and shall send the case diaries to the respective Courts as per the direction of the Court within time.

5. Considering the statements made in the affidavit filed in the case, the personal appearance of Inspector, Sri Debananda Das, Officer-in-Charge of Basistha Police Station and Sri Bhaskar Jyoti Das, Inspector of Police, Jorabat Outpost under Basistha Police Station in said Basistha P.S. Case No. 714/2023 stand dispensed with directing them to comply with the orders of the Court forthwith without fail.

6. Considering the materials available in the case diary, the Court is of the view that custodial detention of the petitioner, named above, is not warranted to investigate the said Basistha P.S. Case No. 714/2023. As such, this pre-arrest bail application of the petitioner is accepted.

7. The petitioner, namely, **Jaynal Ali** is already on interim bail in said Basistha P.S. Case No. 714/2023 granted to him earlier by this Court on 20.05.2024 and the same is hereby made absolute, subject to the full compliance of the terms and conditions as specified in the said order dated 20.05.2024 and further, on compliance of the following conditions that the petitioner – **(i)** shall not leave the territorial jurisdiction of said Basistha Police Station, without obtaining prior written

permission from the concerned I/O of said Basistha P.S. Case No. 714/2023; **(ii)** shall not hamper with the investigation, or tamper with the evidence of the case and **(iii)** shall not involve himself in any kind of criminal activities directly or indirectly.

8. Violation of any of the aforesaid terms and conditions as well as the terms and conditions as specified in the said order dated 20.05.2024, noted above, the pre-arrest bail granted to the petitioner in said Basistha P.S. Case No. 714/2023 shall stand automatically vacated.

9. Accordingly, this pre-arrest bail application stands allowed to the extent above.

JUDGE

Comparing Assistant