

GAHC010105542024



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

Case No. : AB/1375/2024

SHEIKH FARID ALI
S/O FAKIR ALI, R/O VILL- KONAKATAPARA, P.S.-DOLGAON, DIST-
DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 24.06.2024

Heard Mr. M. Ahmed, 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 has been apprehending arrest in connection with Basistha P.S. Case No. 336/2024, under Section 379 of the Indian Penal Code *read with* Sections 11(1) (d) of the prevention of Cruelty to Animal Act, 1960 and Sections 13(1)/16 of the Assam Cattle Preservation Act, 2021.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. Ahmed, learned counsel for petitioner, that the accused/petitioner is innocent and he is no way involved in the alleged offence. However, it is a fact that he is the owner of the cattle and those were purchased genuinely by him and he produced all the money receipts etc. before the I.O. More so, zimma of cattle are also given to him by the learned Court below. Further he submitted that after obtaining the order of interim pre-arrest bail from the this Court on 29.05.2024, the accused/petitioner appeared before the I.O. and co-operated with the investigation of this case. He is still ready and willing to co-operate with the I.O. in the further investigation of this case if he is granted with the privilege of pre-arrest bail.

In this context, Mr. Goswami, learned Additional Public Prosecutor, has submitted that it is a fact that the cattle were given zimma to the present petitioner, however from his statement made before the I.O., it is seen that those cattle were carried in the vehicle with a view to transport them to Meghalaya, which is another State, in contravention of Section 7 of the Assam Cattle Preservation Act, 2021. However, he submitted that the accused/petitioner appeared before the I.O. and co-operated in the investigation

of this case.

Considering the submissions made by the learned counsels for both sides, materials available in the Case Diary and also considering the conduct of the accused/petitioner, I find it a fit case to extend the privilege of pre-arrest bail to the accused/ petitioner. Accordingly, the interim pre-arrest bail granted to the accused/petitioner by this Court, vide order dated 29.05.2024, is hereby made absolute in the same terms and conditions.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant