

GAHC010111512024



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

Case No. : AB/1466/2024

HEKMOT ALI
S/O LT TOWAJ ALI, VILL- GHORAMARA, P.O. AND P.S.-KOKRAJHAR, DIST-
KOKRAJHAR, BTR, ASSAM, PIN-783370

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

05.06.2024

1. Heard learned counsel Mr. M. Hussain for the petitioner, Hekmot Ali.
2. This application has been filed by the petitioner under Section 438 of the Cr. PC with prayer for pre arrest bail as he is apprehending arrest in connection with Kokrajhar P.S. Case No. 73/2024 under Sections

379/411/413 of the IPC.

- 3.** Heard Ms. S. Jahan, learned Additional Public Prosecutor, Assam.
- 4.** The FIR unfolds that on 07.04.2024, at night, 4 cows have been stolen from the cowshed of Binay Kumar Brahma. On 08.04.2024, while the informant went to Ghoramara he saw Sultan Ali with the cows and before he could confront, Sultan Ali fled. With the help of the public, he could recover 3 COWS.
- 5.** The informant thereafter learnt that one Hekmot Ali along with Sultan Ali were responsible for stealing the cows.
- 6.** It is submitted that the petitioner had applied for anticipatory bail before the learned Sessions Judge, who had rejected the bail petition vide order dated 30.05.2024, in connection with Misc Criminal Case No. 130/2024.
- 7.** Heard Ms. S. Jahan, learned Additional Public Prosecutor, Assam for the respondent State.
- 8.** I have considered the submissions at the Bar with circumspection.
- 9.** It is submitted that the petitioner is willing to co-operate with the investigation as he is apprehending arrest in connection with this instant case.
- 10.** He is willing to abide by any condition if imposed upon him.
- 11.** Considering all aspects and considering the fact that the stolen cows have already been recovered, the petitioners' prayer for anticipatory bail is allowed.
- 12.** In the event of his arrest, the petitioner shall be enlarged on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the

arresting authority under the condition that-

(i) the petitioner shall appear before the Investigating Officer within 1 (one) week and co-operate with the investigation; and

(ii) the petitioner shall refrain from such activities with which he is alleged.

On breach of any of the bail conditions, bail order shall stand cancelled.

13. The Anticipatory Bail Application stands disposed of.

JUDGE

Comparing Assistant