

GAHC010114042024



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

**Case No. : AB/1498/2024**

RAFIQUL ISLAM  
S/O LATE ABDUL MAJID, R/O SONARIBARI, P.S.-SAMAGURI, DIST-  
NAGAON (ASSAM)

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MS G BORAH**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE  
HONOURABLE MRS. JUSTICE MITALI THAKURIA  
ORDER**

23.07.2024

Heard Ms. G. Borah, learned counsel for the petitioner. Also heard Mr. P. Borthakur, 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 is apprehending arrest in connection with Samaguri P.S. Case No.106/2024 under Sections 379/411 of the Indian Penal Code *read with* Section 11(i)(d) Prevention of Cruelty to Animal Act, 1960.

The Case Diary has been received and I have perused the same.

The learned counsel for the petitioner, Ms. Borah, submits that the petitioner is innocent and not involved in the alleged offence. It is acknowledged that the petitioner is the owner of the seized Balena Car, which was intercepted by the Police and from where, 3 Nos. of cattle were recovered. But, the petitioner was not aware about the illegal transportation of the said cattle in his vehicle. Further, the petitioner is ready and willing to co-operate with the I.O. for further investigation of the case, if he is granted the privilege of pre-arrest bail.

On the other hand, the learned Additional Public Prosecutor, Mr. Borthakur, has submitted that considering the materials available in the Case Diary, the custodial interrogation of the present accused/petitioner may not be necessary for the purpose of investigation and accordingly, he raised no objection on the

prayer made by the learned counsel for the petitioner.

After hearing the submissions of learned counsels of both sides, and after perusing the Case Diary as well as considering the entire aspects of the case, I find it a fit case to grant the privilege of pre-arrest bail to the accused/petitioner.

Accordingly, it is provided that in the event of arrest of the accused/petitioner, namely, Rafiqul Islam, in connection with Samaguri P.S. Case No.106/2024 under Sections 379/411 of IPC *read with* Section 11(i)(d) Prevention of Cruelty to Animal Act, he shall be enlarged on pre-arrest bail on his executing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer within 7(seven) days.
- (ii) that 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; and
- (iii) that the petitioner shall not leave the jurisdiction of the concerned jurisdictional Magistrate, without prior permission.

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

The Case Diary be sent back.

**JUDGE**

**Comparing Assistant**