

GAHC010117422024



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

Case No. : AB/1542/2024

ASINUR ISLAM @ ASHINUR ALI
S/O AMJAD ALI, R/O VILL- BALAPARA PART-I, P.S.-GOSSAIGAON, DIST-
KOKRAJHAR, BTR, ASSAM, PIN-783360

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : Ms. R. R. BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 15.07.2024

Heard Mr. A.A.R. Karim, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State of Assam. By this petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner, namely, **Asinur Islam @ Ashinur Ali**, has

prayed for granting pre-arrest bail, apprehending arrest in connection with Gossaigaon P.S. Case No. 67/2024(corresponding GR 73/2024) under Section 379/411/34 IPC r/w Section 13(1)/14 of Assam Cattle Preservation Act, 2021.

It is submitted by the learned counsel for the petitioner that the petitioner is no way connected with the alleged offence. The brother of the petitioner i.e. Md. Sadek Ali was arrested in connection with this case and subsequently, he was released on bail. It was alleged that the petitioner was present on the spot at the time of the incident. Considering the background of the case, the privilege of pre-arrest may be considered to the petitioner.

Mr. Goswami, learned Additional Public Prosecutor for the State has produced the case diary and raised strong objection regarding the prayer of the petitioner.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

Considering the facts as well as the documents available in the case diary, this Court finds that custodial interrogation of the petitioner is not required for the purpose of investigation of the case. Therefore, he is granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioner, named above, in connection with Gossaigaon P.S. Case No. 67/2024(corresponding GR 73/2024) under Section 379/411/34 IPC r/w Section 13(1)/14 of Assam Cattle Preservation Act, 2021, he shall be released on furnishing bail bond of **Rs.10,000/-** with **a suitable surety**

of the like amount, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioner:

(a) shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;

(b) 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.

The anticipatory bail application stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant