

GAHC010122252024



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

Case No. : AB/1589/2024

MUKLESUR RAHMAN AND ANR
S/O ABDUL KADIR, R/O KANDUMARI, P.S.-SAMAGURI, DIST- NAGAON
(ASSAM)

2: HANIFA ALI
S/O MASRAB ALI
R/O MOWAMARI
P.S.-KALIABOR
DIST-NAGAON (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A NATH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 24.07.2024

Heard Ms. M. Deka, learned counsel for the petitioners. Also heard Mr. B. Sharma, 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/petitioners, who are apprehending arrest in connection with Jagiroad P.S. Case No. 105/2024, under Section 379 of the Indian Penal Code *read with* Section 11(1) (a)(b) of the Prevention of Cruelty to Animal Act, 1960 and *read with* Section 13(1) of the Assam Cattle Preservation (Amendment) Act, 2021.

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

It is submitted by Ms. Deka, learned counsel for the petitioners, that both the accused/petitioners already appeared before the I.O. after obtaining the order of interim pre-arrest bail dated 19.06.2024, and co-operated in the investigation of this case. They are still ready and willing to co-operate with the I.O. in the further investigation of this case if they are granted with the privilege of pre-arrest bail.

In this context, Mr. Borthakur, learned Additional Public Prosecutor, has submitted that both the accused/petitioners already appeared before the I.O. and they co-operated in the investigation of this case and also submitted the

relevant documents before the I.O. Accordingly, he submitted that considering the materials available in the Case Diary and conduct of the accused/petitioners, their prayer may be considered.

After hearing the submissions made by the learned counsels of both sides and also considering the entire aspects of the case, nature of allegation as well as the conduct of the accused/petitioners, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioners. Accordingly, the interim pre-arrest bail order, granted to the accused/petitioners vide order dated 19.06.2024, 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