

GAHC010126782024



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

Case No. : AB/1635/2024

ROFIKUL HAQUE
S/O ASHRAF ALI, R/O VILL- MOIDOMIA, P.S.-NORTH LAKHIMPUR, DIST-
LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR M HOQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 26-06-2024

- 1.** Heard Mr. M. Hoque, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State.
- 2.** This application has been filed under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, *Rofikul Haque*, who is apprehending his arrest in connection with Gerukamukh P.S. Case

No. 4/2024 under Section 380 of the Indian Penal Code.

3. The gist of accusation is that on 11.06.2024, one Naren Tabung have filed an FIR before the Officer-in-Charge of Gerukamukh Police Station, *inter alia*, alleging that on the night of 10.06.2024 one of his cows was stolen from the cowshed. It is also stated in the FIR that later on he came to know that the stolen cow was recovered.

4. The learned counsel for the petitioner has submitted that he is in no way involved in the offence alleged in the FIR neither he has been named in the FIR and however, the Police is searching for him and therefore, he is apprehending his arrest in connection with this case. It is also submitted that the petitioner is ready to cooperate in the investigation.

5. The learned Additional Public Prosecutor submits that on perusal of the FIR, it appears that the stolen cow has already been recovered.

6. I have considered the submission made by learned counsel for both the sides and perused the documents annexed along with the bail application.

7. It appears that as the stolen cow has already been recovered and as the petitioner is ready to cooperate in the investigation, his custodial detention may not be necessary. Hence, the petitioner is hereby directed to appear before the Investigating Officer of Gerukamukh P.S. Case No. 4/2024 within a period of 10(ten) days from the date of this order and cooperate in the investigation. If he does so, within the stipulated period of time, in the event of his arrest in connection with Gerukamukh P.S. Case No. 4/2024, the above named petitioner shall be allowed to go on bail of Rs.10,000/- (Rupees Ten Thousand) with one

surety of like amount, subject to satisfaction to the arresting authority with following conditions:-

- i. That the petitioner shall cooperate in the investigation and shall appear before the Investigating Officer;
- ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any other persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts before the Investigating Officer.

8. With the above observation, this anticipatory bail application is disposed of.

JUDGE

Comparing Assistant