

GAHC010130482024



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

Case No. : AB/1692/2024

AZAD SK @ AHG AZAD SK
S/O ABDUL BARI SK, R/O VILL- CHAR KASHARIPARA, P.O. AND P.S.-
SUKCHAR, DIST-SOUTH SALMARA MANKACHAR, ASSAM, PIN-783135

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

17.07.2024

Heard Mr. M. Islam, learned counsel for the applicant and Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Sukchar P.S. Case No. 19/2024**, under Sections 341/323/353/336/427/34 of the IPC read with Sections 13(1)/16 of the Assam Cattle Preservation Act, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, **Azad Sk. @ AHG Azad Sk.** for grant of pre-arrest bail.

3. The said case has been registered on the basis of one FIR lodged by Dy.S.P. Anshul Sharma, on 21.03.2024. The essence of allegations made in the FIR is that on 20.03.2024, at about 11:30 pm, he has apprehended three persons namely, AHG Azad Sk.; Sahinur Islam; and Boshar; along with 8 - 10 numbers of cow, which were being taken towards international border and on being chased them, they have crossed the stream of Jingiram river towards Meghalaya and from there they have threatened the police staff with dire consequences and also pelted stones on the police party and damaged the vehicle and also caused injuries over his right knee.

4. Mr. Islam, learned counsel for the applicant submits that the applicant is no way involved with the offence alleged in the FIR and that on the relevant date, he went to purchase medicine for his mother and on the way his motorcycle becomes out of order, for which he could not go to purchase the medicine and in the meantime police apprehended him. Mr. Islam further submits that some of the accused persons have already been granted bail by this Court and also by the learned Sessions Judge, South Salmara Mankachar. Mr. Islam also submits that the applicant is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, by producing the Case Diary before this Court, Mr. Lahkar, learned Additional Public Prosecutor submits that the I.O. has collected sufficient incriminating materials against the present applicant. Mr. Lahkar further submits that the applicant is involved with in smuggling of cattle and he has also attacked the police personnel and injured the informant and therefore, it is contended to dismiss the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and

also perused the Case Diary produced before this Court with the assistance of learned Additional Public Prosecutor.

7. The case diary indicates that the I.O. has collected sufficient incriminating materials in support of the allegation made in the FIR and the investigating is still going on. His custodial interrogation seems to be indispensable in the interest of investigation.

8. Accordingly, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be extended to the applicant and therefore, the same is dismissed.

9. The case diary be returned.

JUDGE

Comparing Assistant