

GAHC010131662024



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

Case No. : AB/1685/2024

HARINDER NAT
S/O LATE GENALAL NAT,
RESIDENT OF MAJUKIGARH BEGUNBARI, PO AND PS BISWANATH
CHARIALI, DIST BISWANATH, ASSAM 784176

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR. L GOGOI,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
O R D E R

05.09.2024

Heard Mr. L. Gogoi, learned counsel appearing for the petitioner and Mr. K. Baishya, learned Additional Public Prosecutor, Assam appearing for the State.

2. By this application under Section 438 Cr.P.C, the petitioner namely Sri

Harinder Nat is seeking pre-arrest bail in connection with Biswanath Chariali Police Station Case No.123/2024, registered under Section 379/411 IPC read with Section 11 of Prevention of Cruelty to Animal Act, 1960, apprehending his arrest in the said case.

3. The petitioner is already on interim bail in said Biswanath Chariali Police Station Case No.123/2024 granted to him earlier by order dated 28.06.2024.

4. Mr. K. Baishya, learned Additional Public Prosecutor, Assam has placed the up-to-date Case Diary of Biswanath Chariali Police Station Case No.123/2024 before the Court.

5. It is seen that the petitioner on obtaining interim bail had already appeared before the concerned Investigating Officer of Biswanath Chariali Police Station Case No.123/2024 and his statement has also been recorded.

6. As per the F.I.R of the case, police recovered two vehicles, one black colour Hyundai Venue Car, bearing registration No.AS-12/AH-9330 and one white colour Ford Eco Sports car bearing registration No.AS-01/DG-0760 and two motorcycles, being one Discover Bike (Black & Red) bearing registration No.AS-12/G-1809 and one Yamaha FZS bike (Silver & Black) bearing registration No.AS-32/A-2941 and one wooden log from the house of the petitioner with 12(twelve) numbers of goats from those two cars parked in the premises of the petitioner's residence.

7. Case Diary reveals that the petitioner is a butcher and used to sell goat meat in various daily and weekly markets in and around Biswanath Chariali and Bihali.

8. Considering the materials available in the Case Diary, custodial detention of the petitioner is not warranted in this case.

9. Accordingly, the interim bail granted to the petitioner vide order dated 28.06.2024 in said Biswanath Chariali Police Station Case No.123/2024 is hereby made absolute.

10. However, the petitioner shall not violate the terms and conditions as has been specified in the order dated 28.06.2024 passed earlier in this proceeding, shall co-operate with the investigation of the case and appear before the Investigating Officer of Biswanath Chariali Police Station Case No.123/2024 as and when required.

11. With the above observations and directions, this bail application stands allowed.

12. Return the Case Diary forthwith.

JUDGE

Comparing Assistant