

GAHC010137812024



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

Case No. : AB/1779/2024

ANUWAR HUSSAIN
S/O JAYNAL ABDIN,
VILL.- KUTHARI, P.O.- KUTHARI, P.S.- JAKHALABANDHA, DIST.- NAGAON,
ASSAM, PIN- 782136.

VERSUS

THE STATE OF ASSAM
REP. BY THE LEARNED P.P., ASSAM.

Advocate for the Petitioner : MR. SURAJIT DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 29.07.2024

Heard Mr. S. Das, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, namely Anuwar Hussain, who is apprehending arrest in connection with Tezpur P.S. Case No.356/2024 under Sections 395/411

IPC read with Section 11 of the Prevention of Cruelty to Animals Act and Section 13(1) of the Assam Cattle Preservation Act (Corresponding GR Case No.832/24).

It is stated by the learned counsel for the petitioner that one Jalal Uddin lodged an FIR with the police of Borghat Police Out Posts alleging therein that the petitioner herein along with two others had stolen away 19 numbers of buffalos being brought in a Truck on 15.06.2024. The police on receipt of the FIR has registered a case being Tezpur P.S. Case No.356/2024 under Section 395/411 IPC read with Section 11 of the Prevention of Cruelty to Animal Act, 1960 and read with Section 13(1) of Assam Cattle Preservation Act, 2021.

This Court vide order dated 12.07.2024 directed the Additional Public Prosecutor to produce the case diary.

The case diary of the above noted police case has been brought by Mr. D. Das, learned Additional Public Prosecutor today. This Court has perused the same. It is revealed that the buffalos purportedly stolen have been so recovered.

In that view of the matter, this Court is of the considered view that given the investigation completed, the petitioner is entitled to be enlarged on pre-arrest bail and accordingly, this Court is pleased to enlarge the petitioner named above on pre-arrest bail of Rs.30,000/- with a surety of the like amount to the satisfaction of the arresting authority subject to the following conditions:-

i) the petitioner herein shall within seven days from today appear before the I/O of Tezpur P.S. Case No.356/2024 and have his statement recorded therein and thereafter the petitioner shall continue to appear before the I/O as and when called for; and

ii) the petitioner 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, and

With the above observation and direction, the Anticipatory Bail application stands disposed of.

JUDGE

Comparing Assistant