

GAHC010160152024



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

Case : AB/2050/2024

SADDAM HUSSAIN
S/O MUSLEM UDDIN
R/O VILL- NALDOBA
P.S. KAMPUR
DIST NAGAON
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE LD. PP
ASSAM

Advocate for : MR. R ALI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 27.08. 2024

1. Heard Mr. R. Ali, learned counsel for the petitioner, Saddam Hussain.
2. The petitioner has filed this application under Section 482 of BNSS, 2023, with prayer for release on pre-arrest bail in connection with Khetri PS Case No. 119/2024 under Section 303(2)/ 317(2)(3)(5) of BNS, 2023 read with Section

11(1)(a)(d)(e) of the Prevention of Cruelty to Animals Act, 1960, read with Section 13(1)/ 16 of the Assam Cattle Preservation Act, 2021.

3. Also heard Mr. B.B. Gogoi, learned Addl. Public Prosecutor for the State respondent.

The case diary, as called for, is received and perused.

1. The FIR unfolds that on 26.07.2024 at about 6.55 a.m. the informant received a secret information that one container truck bearing registration No UP 14FT 6692 was stopped and checked up at Naka Checking at N.H. 27 where 14 numbers of heads of cattle were found inside the truck. The cattle were being carried in a cruel manner and were suffocated. The present petitioner is the owner of the cattle and he could not produce any document regarding carrying of the cattle. The cattle were being transported to Meghalaya to be sold in a slaughter house.

2. The learned Addl. P.P. has raised serious objection against the prayer of the bail on the ground that there are sufficient incriminating materials available in the case diary against the present petitioner.

I have scrutinized the case diary. Investigation has substantially progressed to a considerable extent. Custodial interrogation may not be required. The cattle have been seized in connection with this case.

3. I have considered the progress of investigation.

Considering the entire aspect of the matter, the petition is allowed.

In view of the above, in the event of arrest of the petitioner named above be enlarged on pre-arrest bail on furnishing a bond of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority in

connection with the aforesaid case under the following conditions that:-

1. the petitioner shall appear before the I.O. within 1 (one) week from today.
2. The petitioner shall refrain from such activities with which he is alleged,
3. the petitioner shall cooperate with the reaming part of investigation,
4. the petitioner shall not hamper with the investigation or tamper with the evidence of the case.

On breach of any of the bail conditions, the bail order shall stand automatically cancelled.

Bail application stands disposed.

Return the case diary.

JUDGE

Comparing Assistant