

GAHC010158732024



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

**Case No. : AB/2089/2024**

MD TAJNUR ALI  
S/O BASHIR ALI  
R/O VILL- PATUAKATA  
P.S. MIKIRBHETA  
DIST. MORIGAON, ASSAM

2: NAJRUL ISLAM  
S/O IBRAHIM KHALIL  
R/O VILL- NO. 1 BHELKAR  
P.S. HAJO  
DIST. KAMRUP  
ASSAM

3: RAFIKUL ISLAM  
S/O MANSUR ALI  
R/O VILL- KOACHGAON  
P.S. RUPOHI  
DIST. NAGAON  
ASSAM

4: IRSHAD ALI  
S/O SAMAR ALI  
R/O VILL- FALIHAMARI PATHAR  
P.S. BHURAGAON  
DIST. MORIGAON  
ASSA

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY LD. PP, ASSAM

**Advocate for the Petitioner** : MR. R ALI, MR. T CHUTIA, R L CHUTIA

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**  
**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**  
**ORDER**

**06-09-2024**

Heard Mr. T. Chutia, learned counsel for the petitioners and Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the State.

**2.** The petitioners, namely, **(1) Md. Tajnur Ali, (2) Najrul Islam, (3) Rafikul Islam** and **(4) Irshad Ali** apprehending their arrest in **Jagiroad P.S. Case No. 139/2024** registered under Sections 61(2)/303(2) of the BNS, read with Section 13 (1) of the Assam Cattle Preservation Act, 2021, read with Section 11 (1) (a) (b) of the Prevention of Cruelty to Animals Act, 1960 has filed this pre-arrest bail application under Section 438 CrPC, seeking pre-arrest bail.

**3.** Perused the case diary relating to said **Jagiroad P.S. Case No. 139/2024**, placed before the Court today by Mr. B. Sarma, learned Addl. P.P., Assam.

**4.** Matter relates to recovery of Bulls, Cows and Cattle from various places in the District of Morigaon and transportation of such cattle in a cruel manner in vehicles, transporting them outside the State of Assam, where, those cattle were suspected to be stolen from various places of Morigaon District.

**5.** It is also seen that investigation of said Jagiroad P.S. Case No. 139/2024 is still going and some of the persons have already been arrested in said Jagiroad P.S. Case. However, statement of the witnesses, so far recorded by the concerned Investigating Officer of the case does not implicate the petitioners' involvement in said Jagiroad P.S. Case.

**6.** Considering the above and the materials in the case diary, the Court is of the view that custodial detention of the petitioners are not warranted to investigate the said **Jagiroad P.S. Case No. 139/2024**. As such, this pre-arrest bail application of the petitioners is accepted.

**7.** The petitioner No.4, namely, **Irshad Ali** is already on interim bail in said **Jagiroad P.S. Case No. 139/2024** granted to him earlier on 12.08.2024 and the same is hereby made absolute in the similar terms and conditions as specified in the said order dated 12.08.2024.

**8.** Further, it is provided that, in the event of arrest of the petitioners namely, **(1) Md. Tajnur Ali, (2) Najrul Islam** and **(3) Rafikul Islam** in said **Jagiroad P.S. Case No. 139/2024**, they shall be released on bail on furnishing bail bond of Rs.10,000/- each, with one local surety each of the like amount to the satisfaction of the arresting authority on conditions that the petitioners **(i)** shall appear before the Investigating Officer of said **Jagiroad P.S. Case No. 139/2024**, as and when they are required for necessary investigation of said Jagiroad PS Case; **(ii)** shall not leave the territorial jurisdiction of the Jagiroad police station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** shall not hamper with the investigation, or tamper with the evidence of the case and **(iv)** 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 them from disclosing such facts to the Court or to any police officer.

**9.** Any violation of the aforesaid terms and conditions by the petitioners, named above, the pre-arrest bail granted to them in said **Jagiroad P.S. Case No. 139/2024** shall stand automatically vacated.

**10.** This pre-arrest bail application accordingly stands disposed of.

**11.** Return the case diary.

**JUDGE**

**Comparing Assistant**