

GAHC010159042024



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

Case No. : AB/2094/2024

MIJAN ALI AND ANR.
R/O NANGALDHOWA GORAJAAN , PS RUPOHI
DIST. NAGAON, ASSAM

2: MANJIL AHMED
R/O VILL- GARUMARA DOLONI
P.S. MARIGAON
DIST. MARIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. T CHUTIA, MS S NASRAT

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) Mijan Ali** and **(2) Md. Manjil Ahmed** apprehending their arrest in **Sonapur P.S. Case No. 152/2024** registered under Sections 303(2)/317(2) BNS, 2023, read with Section 13(1)/14 of the Assam Cattle Preservation Act, 2021, read with Section 11(1)(a)(b)(d) of the Prevention of Cruelty to Animal Act, 1960 has filed this pre-arrest bail application under Section 438 CrPC, seeking pre-arrest bail.
3. On receipt of specific information, Sonapur police on early morning of 19.07.2024 at around 3:43 am recovered 30 numbers of Cattle from a Truck bearing Registration No.AS-18AC-5376 transporting those cattle, which are suspected to be stolen cattle. Accordingly, Sonapur G. D. Entry No. 04 dated 19.07.2024, was registered, which was subsequently registered as Sonapur P.S. Case No.152/2024.
4. Perused the case diary relating to said Sonapur P.S. Case No. 152/2024, placed before the Court today by Mr. B. Sarma, learned Addl. P.P., Assam.
5. From the case diary relating to said Sonapur P.S. Case No. 152/2024, it is seen that the petitioner No.2, Manjil Ahmed is the driver of the intercepted Truck bearing Registration No. AS-18AC-5376, who was earlier granted interim pre-arrest bail by order dated 12.08.2024 in said Sonapur P.S. Case No. 152/2024. On his such interim bail, the Investigating Officer of said Sonapur P.S. Case has already recorded his statement.
6. Further, from the case diary, it is seen that the petitioner No.1, namely, Mijan Ali sought zimma of those 30 numbers of seized cattle showing money receipts of the purchased memo of altogether 31 numbers of cattle of different cattle markets in the District of Nagaon.
7. Considering the same, the zimma of those 30 numbers of seized cattle have already been released to the petitioner No.1, namely, Mijan Ali, who purchased those cattle and thereafter, the statement of the petitioner No.1 was also been recorded by the concerned Investigating Officer of said Sonapur P.S. Case.
8. 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 **Sonapur P.S. Case No. 152/2024**. As such, this pre-arrest bail application of the petitioners is accepted.
9. The petitioner No.2, namely, **Md. Manjil Ahmed** is already on interim bail in said **Sonapur P.S. Case No. 152/2024** 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.

10. Further, it is provided that, in the event of arrest of the petitioner No.1 namely, **Mijan Ali** in said **Sonapur P.S. Case No. 152/2024**, he shall be released on bail on furnishing bail bond of Rs.10,000/-, with one local surety of the like amount to the satisfaction of the arresting authority on conditions that the petitioner **(i)** shall appear before the Investigating Officer of said **Sonapur P.S. Case No. 152/2024**, as and when he is required for necessary investigation of said Sonapur PS Case; **(ii)** shall not leave the territorial jurisdiction of the Sonapur 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.

11. Any violation of the aforesaid terms and conditions by the petitioners, named above, the pre-arrest bail granted to them in said **Sonapur P.S. Case No. 152/2024** shall stand automatically vacated.

12. This pre-arrest bail application accordingly stands disposed of.

13. Return the case diary.

JUDGE

Comparing Assistant