

GAHC010162992024



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

Case No. : AB/2123/2024

TAPAN THAKURIA AND ANR
S/O GANESWAR THAKURIA,
RESIDENT OF MALIBARI, PO BEZERA, PS BAIHATA CHARIALI, DIST
KAMRUP ASSAM 781121

2: MOJAMIL ALI

S/O MAHAMMAD ALI

RESIDENT OF HABIBHANGA
PO KALAIGAON
PS KALAJHAR
DIST UDALGURI
ASSAM 78452

VERSUS

THE STATE OF ASSAM,
REP BY THE PP ASSAM

Advocate for the Petitioner : MR A K AHMED, MS F PARBIN, MS P KAKATI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

10.09. 2024

1. Heard Mr. A.K. Ahmed, learned counsel for the petitioners, (1) Sri Tapan

Thakuria and (2) Mojamil, who have filed this anticipatory bail application under Section 482 of BNSS, 2023, with prayer for granting them pre-arrest bail in connection with Basistha P. S. Case No. 560/2024 under Section 303(2) of B.N.S., 2023, read with Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960, read with Sections 13(1)/16 of the Assam Cattle Preservation Act, 2021.

2. Also heard Mr. D. Das , learned Addl. Public Prosecutor for the State respondent.

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

4. Vide order dated 14.08.2024, the petitioner No. 2, Mojamil Ali was granted interim bail in connection with the aforementioned case. It is submitted on behalf of the petitioners that the petitioner No. 2 has appeared before the I.O. and has cooperated with the investigation.

5. The learned Addl. P.P. has submitted that indeed the petitioner No. 2 has appeared before the I.O., but both the petitioners are deeply involved with the smuggling of cattle and interstate transportation of cattle.

6. I have considered the submissions at the bar with circumspection.

7. It is submitted on behalf of the petitioners that the petitioner No. 1 will abide by any condition imposed upon him.

8. I have scrutinized the case diary. Indeed there are incriminating materials against both the petitioners, but I deem it proper to impose certain conditions to release the petitioners on pre-arrest bail. Accordingly, petition is allowed.

9. In view of the above, the interim bail granted to the petitioner No. 2 vide order dated 14.08.2024 is hereby made absolute with the same terms and condition.

10. It appears that custodial interrogation of petitioner No. 1 may not be required for further progress of investigation.

11. Accordingly, it is directed that in the event of arrest of the petitioner No. 1 namely Sri Tapan Thakuria shall be enlarged on pre-arrest bail on furnishing 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:-

- (i) the petitioner No. 1 shall appear before the I.O. within 10 (ten) days from today;
- (ii) the petitioner No. 1 shall refrain from such activities with which he is alleged;
- (iii) the petitioner No. 1 shall appear before the I.O. on every fortnight till completion of investigation, and

(iv) the petitioner No. 1 shall not hamper the investigation or tamper with the evidence of the case.

12. On breach of any of the bail conditions, pre-arrest bail order shall stand automatically cancelled.

13. The bail application is disposed of.

14. Send back the case diary.

JUDGE

Comparing Assistant