

GAHC010167582024



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

Case No. : AB/2162/2024

RAYEJ ALI AND ANR
S/O CHALIMUDDIN AHMED
RESIDENT OF UTTAR MANDAKATA, PS BAIHATA CHARIALI, DIST
KAMRUP ASSAM 781121

2: JAMALUDDIN AHMED
S/O ABDUL ALI

PRESENTLY RESIDING AT HAJO
PS HAJO
DIST KAMRUP ASSAM
PERMANENT RESIDENT OF SANTIPUKHURI
PS SIPAJHAR
DIST DARRANG
ASSAM 78414

VERSUS

THE STATE OF ASSAM,
REP BY THE PP, ASSAM

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

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 09.09.2024

Heard Mr. A.K. Ahmed, learned counsel for the petitioners. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State.

By this petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners, namely, **Rayej Ali and Jamaluddin Ahmed**, have prayed for granting pre-arrest bail, apprehending arrest in connection with Basistha P.S. Case No. 552/2024 under Section 303(2) of BNS, 2023 r/w Section 11(1)(d) of Prevention of Cruelty to Animals Act, 1960 and r/w Section 13(1)/16 of Assam Cattle Preservation Act, 2021.

It is submitted by the learned counsel for the petitioners that the petitioner No. 1 is the owner of the cattle and the petitioner No. 2 is the owner of the vehicle bearing Regd. No. AS-25-EC-3297. In support of his submission, the learned counsel for the petitioners has produced some purchase receipts from whom the said cattle were purchased and also produced one registration certificate from which it came to know that the petitioner No. 2 is the registered owner of the said vehicle. Considering the nature of the offence, learned counsel for the petitioners prays that the benefit of pre-arrest bail may be extended to the petitioners.

On the other hand, Mr. Gogoi, learned Additional Public Prosecutor for the State has produced the case diary and submits that the petitioner No. 1 is the owner of the seized cattle as per documents available in the case diary and the petitioner No. 2 is the owner of the vehicle from which the cattle were

recovered. He has no objection in granting bail to the petitioners.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

It appears that the seized cattle were purchased by the petitioner No. 1 from Balikuchi Weekly Animal Market and one registration certificate is also available in the case diary from which it reveals that the petitioner No. 2 is the registered owner of the vehicle bearing Regd. AS-25-EC-3297.

In view of the above, this Court finds that custodial interrogation of the petitioners is not required for the purpose of investigation of the case. Therefore, the privilege of pre-arrest bail is granted to the petitioners.

Accordingly, it is provided that in the event of arrest of the petitioners, named above, in connection with Basistha P.S. Case No. 552/2024 under Section 303(2) of BNS, 2023 r/w Section 11(1)(d) of Prevention of Cruelty to Animals Act, 1960 and r/w Section 13(1)/16 of Assam Cattle Preservation Act, 2021, they shall be released on furnishing bail bond of **Rs.20,000/-** each with **a suitable surety** each of the like amount, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioners:

(a) shall appear before the Investigating Police Officer within seven days from today and shall co-operate with the investigation;

(b) 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.

The pre-arrest bail application stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant