

GAHC010169002024



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

Case No. : AB/2185/2024

AJOY PAUL
S/O LATE CHITTA RANJAN PAUL
RESIDENT OF MANKACHAR BAZAR, PO AND PS MANKACHAR, DIST
SOUTH SALMARA MANKACHAR, ASSAM 783128

VERSUS

THE STATE OF ASSAM
REP. BY PP ASSAM

Advocate for the Petitioner : MR. M A I HUSSAIN, s h za,N ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

06-09-2024

Heard Mr. M A I Hussain, learned counsel for the petitioner and Ms. S Jahan, learned Additional Public Prosecutor, Assam for the State respondent No.1.

2. By this application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner apprehending his arrest, is seeking pre-arrest bail in connection with Sukchar Police Station Case No. 84/2023 registered under Sections 120(B)/406/379 IPC

corresponding to G.R. No. 293/2023.

3. The petitioner submitted that he is no way connected with the said Sukchar P.S. Case No. 84/2023 and that the cattle that were kept in his Gaushala had been kept in a proper manner.

4. As directed by the Court earlier on 21.08.2024 and 29.08.2024, the concerned Investigating Officer of Sukchar P.S. Case No. 84/2023 submitted a detailed up-to-date status report dated 05.09.2024, which has been placed before the Court by Ms. S Jahan, learned Additional Public Prosecutor, Assam.

5. The up-to-date status report of the concerned I.O. of Sukchar P.S. Case No. 84/2023 implicates the petitioner clarifying that previously South-Salmara, Mankachar district police handed over a total of 369 cattle/buffalo to the Gaushala of the petitioner and during the period of verification and in regular investigation as per the directions of the said Judicial Magistrate of South-Salmara, Mankachar district, only 90 numbers of cattle/buffalo were found present in the said Gaushala of the petitioner.

6. In the said up-to-date status report of Sukchar P.S. Case No. 84/2023, the concerned I.O. also submitted that the concerned authority of the Gaushala including the petitioner failed to produce any post-mortem examination report of the dead cattle/buffalo and also failed to produce any valid documentation/copy of the permission regarding the establishment of the said Gaushala from the competent authority.

7. During further investigation of the said Gaushala of the petitioner by the previous Investigating Officer along with the Additional Deputy Commissioner of South-Salmara, Mankachar district and the Veterinary Officer and on physical verification, only 76 cattle/buffalo were found present in the said Gaushala which were subsequently re-seized from the said Gaushala and kept in a proper place.

8. Though one Anisur Rahman @ Gajji on 08.06.2024 produced the post-mortem report of 371 numbers of dead cattle/buffalo that were seized by the previous I.O. of the case, it was found that those post-mortem reports do not match with the numbers of cattle/buffalo that were handed over to the Gaushala by the district police authority.

9. Considering such materials in the up-to-date status report relating to said Sukchar P.S.

Case No. 84/2023 with regard to the Rashtriya Gaushala owned by the petitioner, this Court is of the considered opinion that this is not a fit case to grant pre-arrest bail to the petitioner, namely, **Ajoy Paul**, in said Sukchar P.S. Case No. 84/2023.

10. Accordingly, this pre-arrest bail of the petitioner, named above, in said Sukchar P.S. Case No. 84/2023 stands rejected.

11. Copy of the up-to-date status report of the concerned I.O. of Sukchar P.S. Case No. 84/2023 placed before the Court by Ms. S Jahan, learned Additional Public Prosecutor, Assam be kept as part of the record.

JUDGE

Comparing Assistant