

GAHC010176022023



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

Case No. : AB/2828/2023

RAJESH KUMAR
S/O LAL SINGH,
R/O REHABARI CHARIALI,
P.O. AND P.S.- BASISTHA,
DIST.- KAMRUP (M), ASSAM.

VERSUS

THE STATE OF ASSAM, REP. BY P.P., ASSAM.

Advocate for the Petitioner : MS. D S NEOG

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 09-02-2024

Heard Mr. P. J. Saikia, learned counsel for the applicant. Also heard Mr. R. J. Barua, learned Addl. P.P. for the State.

Apprehending arrest in connection with Nagaon P.S. Case No. 656/2022, under Section 379/411/289 IPC read with Section 11(1) (a) (d) (h) of the Prevention of Cruelty to the Animal Act and Section 13 (I) the Assam Cattle Preservation Act, 2021, the applicant Rajesh Kumar approached this Court by filing the present application u/s 438 Cr.P.C, for grant of pre arrest bail.

The aforementioned case has been registered on the basis of an FIR lodged by

one Sonmoni Baruah, Head Constable of Borghat Petrol Post on 3.6.2022. The essence of allegation made in the FIR dated 3.6.2022, is that on the intervening night of 3.6.2022, the informant with other police staff have intercepted one LP Truck, bearing registration No. AS-01-HC-2217, which was coming from Uriagaon towards Guwahati and on checking the same, he found 20 nos. of cattle being carried therein without any documents and he apprehended the driver, namely, Wolki Rupon and handyman Tremi Teriang of Meghalaya.

Mr. Saikia, learned counsel for the applicant submits that this Court was pleased to extend interim protection to the applicant, vide order dated 20.9.2023, and pursuant to the said order, the applicant had appeared before the I.O. and he has been cooperating with the investigating agency, and therefore, it is contended to make the interim order dated 20.9.2023 absolute in the same terms and conditions.

On the other hand, Mr. R. J. Barua, learned Addl. P.P. has produced the case diary before this Court and referring TO a note of the I.O., Mr. Barua submits that the I.O. had failed to collect any evidence against the applicant and returned the case in FR, being FR No.785 dtd. 31.8.2023.

Since the case was returned in FR, having found no materials against the applicant, his apprehension of arrest is not there, and as such, this application is not maintainable and accordingly, the same stands closed.

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JUDGE

Comparing Assistant