

GAHC010176232024



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

Case No. : AB/2311/2024

NAZRUL ISLAM
S/O KUTUBUDDIN, R/O RUHINIKHUTI, P.S.-DALGAON, DIST- DARRANG
(ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A MOTALIB, MR S HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

28/10/2024

Heard Mr. S Hussain, learned counsel for the petitioner and Ms. S B Hazarika, learned Additional Public Prosecutor, Assam for the State.

2. The petitioner, namely, **Nazrul Islam**, son of Kutubuddin, resident of Ruhinikhuti, P.S. Dalgaon, District-Darrang, has filed this application under Section 482 of Bharatiya Nagarik Suraksha

Sanhita, 2023, seeking pre-arrest bail apprehending his arrest in **Basistha P.S. Case No. 543/2024** registered under Sections 303(2) of BNS read with Section 11 (1)(d) of Prevention of Cruelty to Animal Act & read with Section 13(1)/16 of Assam Cattle Preservation Act, 2021 corresponding to G.R. No. 4351/2024.

3. By order dated 02.09.2024 passed earlier in this pre-arrest bail application, the Court granted interim bail to the petitioner in said Basistha P.S. Case No. 543/2024 pursuant to which he appeared before the concerned Investigating Officer of the case and his statement was recorded by the said Investigating Officer.

4. Perused the case diary placed before the Court today by Ms. S B Hazarika, learned Additional Public Prosecutor, Assam.

5. From the case diary, Ms. Hazarika, learned Additional Public Prosecutor, Assam submitted that the note of the Investigating Officer indicates that no such incriminating materials have been found against the petitioner during investigation of the case, who is the owner of the said vehicle in which the seized cattle recovered, as he was not driving the said vehicle involved in the case.

6. Materials in the case diary clearly indicate that custodial detention of the petitioner, namely, Nazrul Islam is not warranted to investigate the said Basistha P.S. Case No. 543/2024. As such, this pre-arrest bail application of the petitioner is accepted.

7. The petitioner, namely, **Nazrul Islam** is already on interim bail in said **Basistha P.S. Case No. 543/2024** granted to him earlier by this Court on 02.09.2024 and the same is hereby made absolute, subject to the full compliance of the terms and conditions as specified in the said order dated 02.09.2024 and further, on compliance of the following conditions that the petitioner – **(i)** shall not leave the territorial jurisdiction of said Basistha Police Station, without obtaining prior written permission from the concerned I/O of said Basistha P.S. Case No. 543/2024 and **(ii)** shall not hamper with the investigation, or tamper with the evidence of the case.

8 Any violation of any of the aforesaid terms and conditions as well as the terms and conditions as specified in the order dated 02.09.2024, noted above, the pre-arrest bail granted to the petitioner in said Basistha P.S. Case No. 543/2024 shall stand automatically vacated.

9. Accordingly, this pre-arrest bail application stands allowed to the extent above.

10. Return the case diary.

JUDGE

Comparing Assistant