

GAHC010176762023



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

Case No. : AB/2883/2023

MD ABUL KALAM AND ANR
S/O- MD. ISHAHAK ALI,
R/O- VILL- SAIDORIA,
P.S- RUPOHI, DIST- MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM

Advocate for the Petitioner : MR. T CHUTIA, MR H BORAH, MS S NASRAT

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

22.08.2024

Heard Ms. S. Nasrat, learned counsel for the applicants and Ms. S.H. Borah, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Sonapur P.S. Case No. 139/2023**, under Sections 379/411/34 of the IPC read with Section 11(a)(b)(d) of the Prevention of Cruelty to Animal Act read with Section 13(1) of the Assam Cattle Preservation Act, this application under Section 438 of the Code of Criminal

Procedure, 1973, is preferred by applicants namely, **Md. Abul Kalam and Nisar Ahmed** for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one UBC-300, Karuna Kakati, on 14.07.2023. The essence of allegation made in the FIR is that the accused persons were caught red handed while they were carrying 30 nos. of cattle in a Truck, bearing registration No. UP-21-CN-2107, without any valid documents.

4. Ms. Nasrat, learned counsel for the applicants submits that this Court was pleased to grant interim protection to the applicants, vide order dated 22.08.2023, and pursuant to the said order, the applicants had appeared before the I.O. and cooperating with the investigating agency and therefore, it is contended to make the interim order dated 22.08.2023, absolute in the same terms and conditions.

5. On the other hand, Ms. Borah, learned Additional Public Prosecutor submits that she has not received the case diary, but as per her instruction, the I.O. has completed investigation and submitted charge sheet before the learned trial court, being C.S. No. 220/2023, dated 30.11.2023.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record.

7. Considering the fact that the investigation has been completed and the charge sheet has also been submitted and further, considering the fact that the applicants have been cooperating with the investigating agency, this Court is of the view that their custodial interrogation seems to be unwarranted here in this case. And therefore, this Court is inclined to make the interim order dated **22.08.2023**, **absolute** in the same terms and condition.

8. In terms of above this A.B. stands disposed of.

Comparing Assistant

JUDGE