

GAHC010178862024



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

**Case No. : AB/2319/2024**

GULZAR HUSSAIN AND ANR.  
R/O VILL- BARUATING (BATALIMARI)  
P.S. BHURAGAON  
DIST. MORIGAON, ASSAM

2: RAJDUL ISLAM  
S/O VILL- BARUATING (BATALIMARI)  
P.S. BHURAGAON  
DIST. MORIGAON  
ASSA

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE LD.PP, ASSAM

**Advocate for the Petitioner** : MR. R ALI, MR. T CHUTIA, R L CHUTIA  
**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**  
**HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**20.09.2024**

Heard Mr. T. Chutia, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor appearing for the State respondent.

This is an application filed under **Section 482 of BNSS**, praying for pre-

arrest bail by the petitioners, namely, **(1) Gulzar Hussain and (2) Rajdul Islam**, in connection with **Bhuragaon PS Case No. 67/24 under Section 303(2) of BNS, R/W Section 13(1) of Assam Cattle Preservation Act, 2021, R/W Section 11 of the prevention of Cruelty to Animals Act.**

It is submitted by the learned counsel for the petitioner that the petitioner No.2 is the nephew of the petitioner No.1 and petitioner No.1 is the owner of the vehicle bearing No. AS-01-RC-3035 as well as the owner of the cattle which was seized and recovered in connection with this case. Petitioner No.1 also produced the receipt of purchase of such cattle from Laharighat Animal market and prayed that pre-arrest bail may be granted to the petitioners.

On the other hand, Mr. Sarma, learned Additional Public Prosecutor has produced the case diary and submits that petitioner No.1 is the owner of the vehicle bearing No. AS-01-RC-3035. Let the petitioner No.1 be appeared before the Investigating Officer for verification of his documents regarding ownership of the cattle. Regarding petitioner No.2, learned Additional Public Prosecutor submits that in connection with this case, the driver of the vehicle was arrested and according to the driver, the petitioner No2 is the owner of the cattle. He has objection in granting bail to the petitioner No.2.

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

Considering the facts as well as the materials available thereon, this Courts finds that custodial interrogation of the petitioner No.1 is not required for the purpose of investigation of the case. Therefore, he may be granted the privilege of pre-arrest bail.

It appears that the cattle purchasing receipts were issued in the name of the petitioner No.1. Except the statement of the driver, there is no reflection in the case diary why the petitioner No.2 is apprehending arrest. Hence, prayer for pre-arrest bail in favour of the petitioner No.2 is rejected.

Accordingly, it is provided that in the event of arrest, the petitioner No.1, named above, shall be released on pre-arrest bail, in connection with the above noted case on furnishing bail bond of **Rs. 20,000/-** with **a suitable surety** of the like amount, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioner No.1:

(a) shall appear before the Investigating Police Officer within ten 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 anticipatory bail application stands disposed of.

Return the case diary.

**JUDGE**

**Comparing Assistant**