

GAHC010182762024



2024:GAU-AS:9670

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

Case No. : AB/2353/2024

OMAR ALI
S/O LATE ABUL HAMID,
RESIDENT OF SANTIPUR HILLSIDE, PS BHARALUMUKH, DIST KAMRUPM
ASSAM GUWAHATI

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR, MR A RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 26-09-2024

Heard Mr. S. Munir, learned counsel for the petitioner Omar Ali, who has filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as he is apprehending arrest in connection with Bharalumukh Police Station Case No. 144/2024 under Sections

299/325/3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Section 13(1) of the Assam Cattle Preservation Act, 2021.

2. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegation against the petitioner is that he along with his wife has been illegally trading in beef.

4. It is submitted on behalf of the petitioner that his wife has already been arrested in connection with this case and she has been enlarged on bail by this Court vide order dated 06.09.2024 in connection with Bail Application No. 2677/2024. The petitioner has prayed for bail on the ground of parity.

5. I have considered the submissions at the bar with circumspection. I have also scrutinized the Case Diary. Investigation has progressed to a considerable extent. It appears that custodial interrogation may not be required for the progress of investigation.

6. Petition is hereby allowed.

7. In the event of his arrest, the petitioner shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that:

(i) the petitioner shall appear before the Investigating Officer within one week and cooperate with the investigation,

(ii) the petitioner shall refrain from such activities with which he is alleged,

(iii) the petitioner shall not leave the jurisdiction of the Court till completion of investigation.

8. On breach of any of the bail conditions, bail order shall stand cancelled.
9. In terms of the above observation, this Anticipatory Bail application stands disposed of.
10. Send back the Case Diary.

JUDGE

Comparing Assistant