

GAHC010187872024



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

Case No. : AB/2427/2024

KARAM ALI
SON OF LATE MAFIZUDDIN,
R/O VILLAGE GARGARI,
PO TINIPUKHURI, PS GHOGRAPAR, DISTRICT NALBARI ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. R ALI, MR. MUSTAFA HUSSAIN, MR H A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : **01.10.2024**

Heard Mr. R. Ali, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor for the State.

By this petition filed under Section 482 of the Bharatiya Nagarik

Suraksha Sanhita, 2023, the petitioner, namely, **Karam Ali**, has prayed for granting pre-arrest bail, apprehending arrest in connection with Ghograpar P.S. Case No. 113/2024 under Section 331(4)/305/317(2) of BNS, 2023 r/w Section 12 of Assam Cattle and Presservation Act.

It is submitted by the learned counsel for the petitioner that four numbers of cattle were seized from the house of the petitioner, which the petitioner had purchased from Tulsibari Weekly Cattle market at Tulsibari. In respect of the fact, some documents have been enclosed in the petition. It is also submitted that the petitioner is no way involved in the alleged offence as stated in the FIR. Considering the background of the case, the benefit of pre-arrest bail may be extended to the petitioner.

On the other hand, Mr. Parasar, learned Additional Public Prosecutor has produced the case diary and submits that it is not disclosed from the case diary that the petitioner had stolen the said cattle as per FIR.

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

It appears that the petitioner had purchased the said cattle which was seized from the house of the petitioner. Considering the materials available in the case diary, this Courts finds that custodial interrogation of the petitioner is not required for the purpose of investigation of the case. Therefore, he is granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioner, named above, in connection with Ghograpar P.S. Case No. 113/2024 under Section 331(4)/305/317(2) of BNS, 2023 r/w Section 12 of Assam Cattle and

Presservation Act., he shall be released 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:

(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.

Send back the case diary.

JUDGE

Comparing Assistant