

GAHC010193232024



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

Case No. : AB/2518/2024

ABED ALI
S/O- MOHAMMAD ALI,
R/O- VILLAGE BHAMANDANGA PART II,
P.O-JHAPUSHABARI,
P.S- AGOMONI, DIST- DHUBRI, ASSAM, PIN-783335

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MD. MOSTAFA SAHINUR ALAM, MD A ISLAM,MR. M S ALAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

28-10-2024

Heard Mr. S Ahmed, learned counsel for the petitioner and Mr. K Baishya, learned Additional Public Prosecutor, Assam for the State.

2. The petitioner, namely, **Abed Ali**, son of Mohammad Ali, resident of Village-Bhamandanga Part-II, P.S.-Agomoni, District-Dhubri, has filed this application under Section

482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking pre-arrest bail apprehending his arrest in Agomoni Police Station Case No. 65/2024 registered under Section 13(1) of the Assam Cattle Preservation Act, 2021, corresponding to G.R. No. 862/2024.

3. As per the FIR of the case lodged by one ASI of Agomoni Police Station dated 29.07.2024, on the previous morning at around 8 AM information was received that the petitioner has slaughtered a cow in his house premise for illegal sale of beef. On receipt of the said information, it was entered as G.D. Entry No. 45 dated 28.07.2024 in said Agomoni P.S. Case No. 65/2024. With due authorization, police personnel from Agomoni Police Station left for the place of occurrence in the morning at around 8:30 AM on 28.07.2024 to the house of the petitioner.

4. Seeing the police personnel, the petitioner, his family members and other persons present in his house fled away from the scene, abandoning his residence. During such search with due permission of the premise of the petitioner, 50 KGs of beef kept for illegal sale was recovered along with two numbers of 'Dao' used for cutting the meat and one electronic weigh machine and four numbers of motor cycles without owners. Those were accordingly seized from the place of occurrence in presence of witnesses by making proper videography.

5. The said written Ejahar was accordingly registered as Agomoni P.S. Case No. 65/2024 under Section 13(1) of the Assam Cattle Preservation Act, 2021, corresponding to G.R. No. 862/2024.

6. Perused the case diary placed before the Court by Mr. K Baishya, learned APP, Assam.

7. From the case diary, Mr. K Baishya, learned APP, Assam has submitted that only 50 KGs of beef was recovered from the house of the petitioner that he kept for illegal sale along with two numbers of 'Dao' used for cutting the meat and one electronic weigh machine.

8. However, it is also submitted by Mr. Baishya, learned APP, Assam that no such cattle were recovered from the house of the petitioner, excepting those 50 KGs of beef.

9. Considering the materials available in the case diary, the Court is of the view that custodial detention of the petitioner, namely, **Abed Ali** is not warranted to investigate the

said Agomoni P.S. Case No. 65/2024. As such, this pre-arrest bail application of the petitioner is accepted.

10. Accordingly, in the event of arrest of the petitioner, namely, **Abed Ali**, in said Agomoni P.S. Case No. 65/2024, he shall be released on bail on furnishing a bail bond of Rs.30,000/- with 2 (two) local sureties of the like amount, to the satisfaction of the arresting authority, subject to the conditions that the petitioner - **(i)** shall appear before the concerned Investigating Officer of said Agomoni P.S. Case No. 65/2024 **on or before 06.11.2024** and thereafter, as and when he is required for necessary investigation of the case; **(ii)** shall not leave the territorial jurisdiction of said Agomoni Police Station, without obtaining prior written permission from the concerned I/O of the case; **(iii)** shall not hamper with the investigation, or tamper with the evidence of the case; **(iv)** 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 them from disclosing such facts to the Court or to any police officer and **(v)** shall not involve himself in any criminal activities.

11. Any violation of any of the aforesaid terms and conditions by the petitioner, **Abed Ali**, pre-arrest bail granted to him in said Agomoni P.S. Case No. 65/2024 shall stand automatically vacated.

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

13. Return the case diary.

JUDGE

Comparing Assistant