

GAHC010196062024



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

Case No. : AB/2517/2024

MOBIDUL ISLAM AND 3 ORS.
S/O MOTIBUR RAHMAN
R/O DIGHALIATI, P.S. BHURAGAON
DIST. MORIGAON, ASSAM

2: MUSTAFA AHMED
S/O HASMAT ALI
R/O NO. 1 BATALIMARI
P.S. BHURAGAON
DIST. MORIGAON
ASSAM

3: SULTAN ALI
S/O MAHAMMAD ALI
R/O MALAHU
P.S. BHURAGAON
DIST. MORIGAON
ASSAM

4: RAJIBUR RAHMAN
S/O ABDUL SATTAR
R/ONO. 1 BATALIMARI
P.S. BHURAGAON
DIST. MORIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP BY PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR, MR. KHAIRUL ISLAM, MR. N HOQUE

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

20.09.2024

Heard Mr. S. Munir, learned counsel for the petitioners. 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) Mobidul Islam (2) Mustafa Ahmed (3) Sultan Ali and (4) Rajibur Rahman**, in connection with **Bhuragaon PS Case No. 67/2024 under Section 303 of BNS, R/W Section 13(1) of Assam Cattle Preservation Act, 2021, R/W Section 11 of Prevention of Cruelty to Animals Act.**

It is submitted by the learned counsel for the petitioners that the petitioners are no way involved with the alleged offence. The police used to visit the house of the petitioners to apprehend them, though their names are not shown in the FIR. The driver of the vehicle stated that the seized cattle are owned by one Rajdul Islam but not the present petitioners. In view the above, benefit of pre-arrest bail may be extended to the petitioners.

On the other hand, Mr. Sarma, learned Additional Public Prosecutor has produced the case diary and submits that the driver of the vehicle who was arrested in the case has implicated the present petitioners by stating that they are involved in illegal smuggling of cattle. However, in the case diary there is no

reflection of their involvement in the instant case.

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 petitioners are not required for the purpose of investigation of the case. Therefore, they may be granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest, the petitioners, named above, shall be released on pre-arrest bail, in connection with the above noted case on furnishing bail bond of **Rs. 20,000/- each** with **a suitable surety** of the like amount each, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioners:

(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 them 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