

GAHC010204352023



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

Case No. : AB/3152/2023

AZMAT ALI @ AZMOT ALI
S/O LATE SHOMSHER ALI
VILL- NO. 2 PALASHGURI
P.S. GOSSAIGAON
DIST. KOKRAJHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

10.04.2024

Heard Mr. U.U. Khan, learned counsel for the applicant and Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 438 of the Code of Criminal Procedure, is preferred by applicant namely, **Azmat Ali @ Azmot Ali**, who has been apprehending arrest in connection with **Gossaigaon P.S. Case No. 309/2023**, under Sections 379/411/34 of the IPC read with Section 13(1) of

the Assam Cattle Preservation Act, for grant of pre-arrest bail.

3. The said case was registered on the basis of an FIR lodged by one Siba Prasad Kalita, on 25.08.2023. The essence of allegations made in the FIR is that acting on a tip off the informant along with police personnel conducted raid in the house of Azmot Ali and recovered carcasses of two cows and seized the same in presence of witnesses and apprehended one Ashraful Alom and during interrogation it has come to light that Azmot Ali along with Ashraful Alom used to commit theft of cow from the different places and running the illegal business of slaughtering cows.

4. Mr. Khan, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 04.10.2023, and pursuant to the said order, the applicant had appeared before the IO and has been cooperating with the investigating agency and therefore, it is contended to make the interim order dated 04.10.2023, absolute in the same terms and conditions.

5. On the other hand, Mr. Barua, learned Additional Public Prosecutor submits that he has not received the case diary, but he has the instruction that the I.O. has already completed investigation and laid Charge Sheet against the applicant, under Sections 379/411/34 of the IPC, vide Charge Sheet No. 347/2023, dated 30.11.2023.

6. In view of the submission of learned counsel for both the parties, this Court is inclined to dispose of this anticipatory bail application by directing the applicant to appear before the learned court below on or before **13.05.2024**, and to apply for regular bail and in event of filing such an application, the learned Court below shall consider the same in accordance with

law.

- 7.** Till then, the interim order dated 04.10.2023, stands extended.
- 8.** The case diary be returned.

Comparing Assistant

JUDGE