

GAHC010216952023



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

Case No. : AB/3314/2023

RABIN BORO
S/O UPEN BORO
R/O VILL- BIJENI BARTARI
P.S. SONAPUR
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

12.02.2024

Heard Mr T Chutia, learned counsel for the petitioner, Rabin Boro, and Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.

2. The petitioner has filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Sessions Case No. 139/2023, arising out of Basistha PS Case No. 331/2023, registered under Sections

379/429 IPC, read with Section 13(1) of the Assam Cattle Preservation Act, 2021, read with Section 11(1)(d) of the Prevention of Cruelty to Animal Act, 1960.

3. The learned counsel for the petitioner has submitted that although the Investigating Officer has submitted the charge sheet vide CS No. 247/2023, dated 14.07.2023, however at Column-16 of the charge sheet, it has been mentioned by the IO that the additional report under Section 173 (8) (a) of the CrPC has been submitted subject to scrutiny of more evidence as well as apprehending other accused in connection with this case.

4. The petitioner is apprehending arrest in connection with this case as he is the owner of the vehicle, which has been seized in connection with this case. It is submitted that the petitioner is willing to cooperate with the trial.

5. It is submitted by the learned Additional Public Prosecutor that as charge sheet has not been submitted against the petitioner, there can be no apprehension that the petitioner may be arrested in connection with this case.

6. The charge sheet mentioned above, reflects that the petitioner is not named as an accused in the charge sheet. Although charge sheet has been submitted charge sheet was not laid against the present petitioner, which clearly indicates that the petitioner may not be arrested in connection with this case.

7. With these observations, bail application is rejected.

JUDGE

Comparing Assistant