

GAHC010230452023



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

Case No. : AB/3458/2023

MD. MUKLESUR RAHMAN
S/O ABDUL KADIR,
VILL.- KANUAMARI, P.O.- MOWAMARI, P.S.- SAMAGURI, DIST.- NAGAON,
ASSAM, PIN- 782140.

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM.

Advocate for the Petitioner : MR A DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 08-01-2024

1. Heard Mr. A. Deka, learned counsel for the petitioner.
2. The petitioner Md. Muklesur Rahman has filed this application under Section 438 Cr.PC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Khetri PS Case No. 172/2023

registered under Sections 379/411/34 of the Indian Penal Code, R/W Section 11 of Prevention of Cruelty to Animals Act, 2021, and R/W Section 7/13 of the Assam Cattle Preservation Act.

3. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor for the State of Assam.

4. The essence of allegation made in the FIR dated 28.09.2023 is that on 27.09.2023 at about 9 PM, the informant along with staff have intercepted one Bolero Pick Up vehicle bearing No. AS-02-DC-2191, and while checking the same, they found 11 cattle being carried without any documents and the driver of the vehicle was apprehended while three others have managed to escape.

5. It is submitted on behalf of the petitioner that he is the owner of the vehicle. It also submitted at the Bar that the petitioner appeared before the IO and his statement has been recorded. The petitioner has co-operated with the investigation.

6. I have also perused the Case Diary. The petitioner has co-operated with the investigation. He is the owner of the vehicle. He has not violated any bail conditions.

7. Considering all aspects, the interim order dated 10.10.2023 is hereby made absolute.

8. The petitioner is directed to abide by the conditions imposed vide order dated 10.10.2023.

Send back the Case Diary.

JUDGE

Comparing Assistant