

GAHC010234642024



2024:GAU-AS:11366

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

Case No. : AB/2951/2024

TAFAZUL ISLAM
S/O KASEM ALI
R/O BORGHULI NO. 3, NAGAON
DIST. NAGAON, ASSAM
PIN-782120

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. D SARMAH, MR. N J DUTTA, B. D. KAKATI, S. J. SAHARIAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

21-11-2024

Heard Mr. N J Dutta, learned counsel for the petitioner and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State.

2. By this application under Section 482 of the BNSS, 2023, the petitioner, namely, **Tafazul Islam**, son of Kasem Ali, resident of village-Borghuli No. 3, District-Nagaon, apprehending his arrest, is seeking pre-arrest bail in **Sonapur Police Station Case No. 215/2024**, registered under Sections 303(2)/317(2)/3(5) of the BNS, 2023, read with Sections 11(1)(a)(b)(d) of the Prevention of Cruelty to Animal Act, 1960 read with Sections 13(1)/14 of the Assam Cattle

Preservation (Amendment) Act, 2021, corresponding to G.R. No. 6425/2024.

3. As per the FIR dated 30.10.2024, the case is that on the said date in the morning during patrolling two vehicles coming from Nagaon side towards Meghalaya carrying cattle were apprehended. Out of those two vehicles, one vehicle bearing Registration No. AS-01-RC-6814 was carrying 6 Nos. of live cattle and the other vehicle bearing Registration No. AS-01-RC-9981 was carrying 5 Nos. of cattle inside those two vehicles. On being apprehended, the drivers of both the vehicles failed to produce any document before the police with regard to those 11 Nos. of cattle recovered from the two vehicles. As there was strong suspicion that those cattle were stolen and were transported to Meghalaya, the FIR was lodged and both the drivers of those two vehicles were detained and later apprehended.

4. Accordingly, Sonapur P.S. Case No. 215/2024 was registered under Sections 303(2)/317(2)/3(5) of the BNS, 2023, r/w Sections 11(1)(a)(b)(d) of the Prevention of Cruelty to Animal Act, 1960 r/w Sections 13(1)/14 of the Assam Cattle Preservation (Amendment) Act, 2021, corresponding to G.R. No. 6425/2024.

5. Perused the case diary placed before the Court today by Mr. K K Parashar, learned APP, Assam that was called for by the Court on 11.11.2024.

6. It is submitted by the petitioner that he is the owner of those 11 cattle that were recovered from those two seized vehicles involved in the case.

7. Mr. Dutta, learned counsel for the petitioner has placed a copy of the order dated 16.11.2024 passed by the learned Sub-Divisional Judicial Magistrate (S)-1, Kamrup (Metro), Guwahati, whereby zimma of those 11 cattle seized in said Sonapur P.S. Case No. 215/2024 have been allowed on the application of the petitioner, directing the Investigating Officer of the case to hand over those cattle to their rightful owner after proper verification.

8. Mr. K K Parashar, learned APP, Assam from the case diary has submitted that since the drivers of both the vehicles involved in the case failed to produce any valid documents relating to those 11 cattle, there was a strong suspicion that those cattle were stolen from different places and were being carried to Meghalaya.

9. Considering the materials in the case diary, this Court is of the opinion that custodial detention of the petitioner is not warranted to investigate said Sonapur Police Station Case No.

215/2024. As such, this pre-arrest bail application is accepted.

10. Accordingly, it is provided that in the event of arrest of the petitioner, namely, **Tafazul Islam**, in said Sonapur Police Station Case No. 215/2024, corresponding to G.R. No. 6425/2024, he shall be released on bail on furnishing bail bond of Rs. 40,000/-, with two local sureties each of the like amount, one of which shall be a Government Employee, either State or Central Government, to the satisfaction of the arresting authority, subject to the conditions that petitioner, named above —

- i)** shall appear before the concerned Investigating Officer of said Sonapur Police Station Case No. 215/2024 **on or before 27.11.2024** and thereafter, as and when he is required for necessary investigation of the case;
- ii)** shall not leave the territorial jurisdiction of Sonapur Police Station, without obtaining prior written permission from the concerned Investigating Officer 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 in future.

11. Any violation of the aforesaid terms and conditions by the petitioner, namely, **Tafazul Islam**, the pre-arrest bail granted to him in said Sonapur Police Station Case No. 215/2024 shall stand automatically vacated.

12. This pre-arrest bail application accordingly stands allowed.

13. Return the Case Diary herewith.

JUDGE

Comparing Assistant