

GAHC010239262024



2024:GAU-AS:12081

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

Case No. : AB/3008/2024

MD IBJARUDDIN AHMED
S/O TAJIMUDDIN ALI
R/O VILL- TOPATOLI
P.S. KHETRI
PIN-782403
DIST. KAMRUP (M), ASSAM
PHONE NO. 9864383578

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A BARUAH, MR. J P MORE, MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

02.12.2024

Heard Mr. T. Chutia, learned counsel for the petitioner. Also heard Ms. S. H. Borah, learned Additional Public Prosecutor for the State respondent.

This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Khetri P.S Case No. 180/2024 under Section 303(2) of BNS read with Section 13(1)/16 of Assam Cattle Preservation (Amendment) Act, 2021.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Chutia, that the present petitioner is the genuine owner of the 15 numbers of cattle that were seized in connection with this case, which are suspected to be stolen. However, these cattle were seized by the police from the grazing field. He further submitted that the petitioner has filed a zimma petition before the learned Additional Chief Judicial Magistrate, Kamrup(M), and, considering the original receipts produced before the learned Trial Court, the prayer was allowed with a direction to appear before the Investigating Officer (I.O.) with the relevant legal documents/receipts, etc. The I.O. was accordingly directed to hand over the cattle after proper identification and verification of the documents. He further submitted that the petitioner could not produce the original documents before the I.O. due to the apprehension of being arrested in connection with this case.

On the other hand, Ms. Borah, learned Additional Public Prosecutor, has submitted that there is no whisper in the case diary regarding the petitioner's claim to

the cattle. However, the cattle were seized from the field in an abandoned condition, and to date, no one has appeared before the Investigating Officer (I.O.) claiming ownership.

Considering the entire facts and circumstance of the case, vis-a-vis order from the learned Trial Court dated 21.11.2024 granting zimma of the seized cattle, I find that one chance may be given to the present petitioner to appear before the IO and also directed to co-operate the IO in further investigation of the case and accordingly, I find it a fit case to grant the privilege of pre-arrest bail to the accused/petitioner.

Accordingly, it is provided that in the event of arrest of the accused/applicant, namely, Md. Ibjaruddin Ahmed, in connection with Khetri P.S Case No. 180/2024 under Section 303(2) of BNS read with Section 13(1)/16 of Assam Cattle Preservation (Amendment) Act, he shall be enlarged on pre-arrest bail on his executing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer within 10(ten) from today.
- (ii) hat the petitioner 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 him from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioner shall not leave the jurisdiction of the concerned jurisdictional Magistrate, without prior permission.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant