

GAHC010260692023



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

Case No. : AB/3911/2023

MOHSIN AHMED
S/O FIROJ AHMED
R/O VILL- KALIADINGGA PAM,
P.S. RUPAHI, DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. G BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

10.01.2024

Heard Ms G Borah, learned counsel for the petitioner, Mohsin Ahmed.

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 Khetri PS Case No.

175/2023, registered under Sections 379/411/34 IPC, read with Section 11 of the Prevention of Cruelty to Animal Act, 1960, read with Sections 13 (1)/16 of the Assam Cattle Preservation (Amendment) Act, 2021.

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

4. The petitioner was on interim bail. He has appeared before the IO and he has cooperated with the investigation. The petitioner has not violated any bail conditions.

5. It is also submitted on behalf of the petitioner that he is the owner of the vehicle and he was not involved in transporting cattle.

6. The learned Additional Public Prosecutor has submitted that the petitioner has appeared before the IO and his statement has been recorded, but there are incriminating materials in the Case Diary against the petitioner.

7. I have considered the submissions at the Bar with circumspection. I have also perused the Case Diary.

8. Indeed, there are incriminating materials in the Case Diary, against the petitioner.

9. However, investigation has progressed to a considerable extent.

10. It appears that custodial interrogation may not be required in this case.

12. Considering all aspects, the interim order dated 30.11.2023, is hereby made absolute.

13. Anticipatory Bail Application stands disposed of.
14. Send back the Case Diary.

JUDGE

Comparing Assistant