

GAHC010263612023



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

Case No. : AB/4019/2023

AMINUL ALI
S/O KABIL UDDIN SHEIKH
R/O VILL NO. 94 DUMURIA PT-III
P.O. AND P.S.-ABHAYAPURI
DIST-BONGAIGAON
ASSAM
PIN-783384

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. R ALI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

05.01.2024

Heard Mr R Ali, learned counsel for the petitioner, Aminul Ali.

2. The petitioner has filed this application under Section 438 CrPC, with prayer for

bail as he is apprehending arrest in connection with Biswanath Chariali PS Case No. 38/2023, under Sections 420/379/411/34 IPC, read with Section 13 of the Assam Cattle Preservation Act, read with Section 11 of the Protection of Cruelty to Animal Act.

3. Heard Mr M P Goswami, learned Additional Public Prosecutor for the State of Assam.

4. The learned Additional Public Prosecutor has raised objection against the bail petition, stating that there are incriminating materials in the Case Diary against the present petitioner.

5. I have considered the submissions at the Bar with circumspection.

6. It is submitted that the petitioner is innocent as he is the owner of the vehicle. He was not aware that the driver was involved in smuggling of cattle.

7. I have also perused the Case Diary.

8. A scrutiny of the Case Diary reveals that there are indeed incriminating materials in the Case Diary against the petitioner.

9. At this juncture, investigation is still at its nascent stage.

10. At this juncture, there appears to be no justified ground to extend the privilege of

anticipatory bail to the petitioner.

11. Petition with prayer for bail is rejected at this stage.
12. Anticipatory Bail Application stands disposed of.
13. Send back the Case Diary.

JUDGE

Comparing Assistant