

GAHC010259842024



2024:GAU-AS:12759

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

Case No. : AB/3271/2024

MUSTAFIJUR RAHMAN
S/O NABAB ALI KHAN
R/O KUJARPITH
P.S. HOWLY
DIST. BARPETA
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : MR S M ABDULLAH P
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

16.12.2024

Heard Ms. F Hussain, learned counsel for the petitioner and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State.

2. By this application filed under Section 482 BNSS, 2023, the petitioner, namely, **Mustafijur Rahman**, son of Nabab Ali Khan, resident of Kujarpith, Police Station-Howly, District-Barpeta, has

prayed for his pre-arrest bail in **Garchuk Police Station Case No. 351/2024** registered under Sections 303(2)/317(2) BNS, 2023 read with Section 7 of the Assam Cattle Preservation Act, 2021 and read with Section 11 of the Prevention of Cruelty to Animal Act, 1960, corresponding to G.R. No. 6558/2024.

3. The petitioner earlier approached the Court of the learned Sessions Judge, FTC, Court No.3, Kamrup (M), Guwahati for his anticipatory bail in said Garchuk P.S. Case No. 351/2024 and the Court of the learned Sessions Judge, FTC, Court No.3, Kamrup (M), Guwahati by order dated 16.11.2024, granted interim bail to the petitioner in Anticipatory Bail application No. 158/2024, pursuant to which, the petitioner appeared before the concerned Investigating Officer of the said case and his statement was accordingly recorded, which can be seen from the case diary placed before the Court today by Mr. K K Parashar, learned Additional Public Prosecutor, Assam.

4. However, the said interim bail application of the petitioner, being Anticipatory Bail application No. 158/2024, was rejected by the Court of the learned Sessions Judge, FTC, Court No.3, Kamrup (M), Guwahati on 30.11.2024. Hence, this pre-arrest bail application by the petitioner.

5. Perusal of the case diary reveals that the Court of the learned Sub-Divisional Judicial Magistrate(s)-I, Kamrup (M), Guwahati by order dated 28.11.2024, after considering the application of the petitioner filed vide Petition No. 4975/2024 seeking zimma of 16 (sixteen) Nos. of cattle seized by the Investigating Officer of said Garchuk P.S. Case No. 351/2024, directed the Investigating Officer of the said case to hand over the zimma of the 16 (sixteen) Nos. of seized cattle, out of the total 30 (thirty) Nos. of seized cattle, to the rightful owner of the seized cattle or to the petitioner, after proper verification of the documents and also directed the petitioner to produce the valid documents pertaining to those 16 (sixteen) Nos. of seized cattle, before the Investigating Officer of the said case.

6. Perusal of the case diary also reveals that the petitioner is yet to submit the original documents relating to the 16 (sixteen) Nos. of seized cows that he had allegedly purchased.

7. Considering the above, the Court is of the view that custodial detention of the petitioner is not warranted for investigation of said Garchuk P.S. Case No. 351/2024. As such, this pre-arrest bail application of the petitioner is accepted.

8. Accordingly, it is provided that in the event of arrest of the petitioner, namely, **Mustafijur**

Rahman, son of Nabab Ali Khan, in said Garchuk P.S. Case No. 351/2024, he shall be released on bail, on furnishing bail bond of Rs 50,000/- with 2 (two) local sureties, each of the like amount, one of which shall be Government employee, either Central Government or State Government, to the satisfaction of the arresting authority, subject to the conditions that the petitioner, named above, – **(i)** shall appear before the Investigating Officer of Garchuk P.S. Case No. 351/2024 **on or before 23.12.2024** during the office hours and thereafter, every Thursday, for the next three English calendar months commencing from 02.01.2025 or till filing of the charge-sheet in said Garchuk P.S. Case No. 351/2024 and further, as and when he is required, in said Garchuk P.S. Case No. 351/2024; **(ii)** shall not leave the territorial jurisdiction of the Garchuk 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 the future.

9. Any violation of the aforesaid terms and conditions by the petitioner, namely, **Mustafijur Rahman**, son of Nabab Ali Khan, the pre-arrest bail granted to him in the aforementioned Garchuk P.S. Case No. 351/2024 shall stand automatically vacated.

10. Return the case diary herewith.

JUDGE

Comparing Assistant