

GAHC010268682023



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

Case No. : AB/4023/2023

TAPAN THAKURIA
S/O GANESWAR THAKURIA,
RESIDENT OF MALIBARI BEZERA, PS BAIHATA CHARALI, DIST, KAMRUP,
ASAM, 781121

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM,

Advocate for the Petitioner : MR A K AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

12.02.2024

Heard Mr. A.K. Ahmed, learned counsel for the applicant and also heard Ms. A. Begum, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Basistha P.S. Case No.710/2023, under

Section 379 IPC, read with Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960, read with Section 13(1)/16 of the Assam Cattle Preservation Act, 2021, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Tapan Thakuria, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by AST Atul Ch. Deka of Jorabat Police Out Post, on 15.11.2023. The essence of allegation made in the aforesaid FIR is that during night patrolling duty on 15.11.2023, at about 1:00 a.m., he along with police staff intercepted one vehicle, bearing Registration No.AS-25EC-3297, which was being parked at 9th mile loaded with cattle, in abandoned condition and after checking the vehicle, he found 32 nos. of live cattle inside the same and seized the same in presence of witnesses.

4. Mr. Ahmed, learned counsel for the applicant submits that this Court was pleased to extend interim protection to the applicant vide order dated 30.11.2023 and pursuant to the said order, he had appeared before the I.O. and he has been cooperating with the investigating agency and therefore, a contention is being made to make the interim order dated 30.11.2023, absolute, in the same terms and conditions.

5. On the other hand, Ms. A. Begum, learned Additional Public Prosecutor, Assam, submits that she has not received the case diary, but as per her instruction the I.O. has completed the investigation and submitted charge-sheet, being Charge-Sheet No.37/2024, dated 28.01.2024, under Section 379 IPC, read with Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960, read with Section 13(1)/16 of the Assam Cattle Preservation Act, 2021.

6. Since charge-sheet has been submitted after completion of investigation, this Court is inclined to dispose of this application by directing the applicant to appear before the learned Court below on or before 01.03.2024, and to apply for regular bail and in the event of filing such an application, the learned Court below shall consider the same in accordance with law. Till then, interim order dated 30.11.2023, stands extended.

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

Sd/- Robin Phuikan
JUDGE

Comparing Assistant