

GAHC010280332023



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

Case No. : AB/4170/2023

MAHAR ALI
S/O AJIMUDDIN
R/O KIRAKARA (PART)
P.S. SIPAJHAR
DIST. DARRANG, ASSAM
PRESENTLY RESIDING AT GANDMOW
P.S. SUALKUCHI
DIST. KAMRUP, ASSAM
PIN-781103
MOB. NO. 9864027090

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR A K AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 10-01-2024

1. Heard Mr. A.K. Ahmed, learned counsel for the petitioner *Sri Mahar Ali*.

2. The petitioner has filed this application under *Section 438* of the *Code of Criminal Procedure* as he is apprehending arrest in connection with *Sonapur Police Station Case No. 261/2023* under *Sections 379/411 IPC, R/W Section 11(a)(b)(d) of the Prevention of Cruelty to Animal Act, 1960, R/W. Section 13(1)/14 of the Assam Cattle Preservation Act, 2021.*

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

4. It is submitted on behalf of the petitioner that the petitioner is owner of the vehicle.

5. I have considered the submissions at the bar.

6. It is submitted at the bar that the petitioner is not involved in smuggling cattle. The owner of the cattle has also submitted challans relating to purchase of the cattle. The case diary also reveals that investigation has progressed to a considerable extent and custodial interrogation does not appear necessary at this stage. The allegedly smuggled cattle have already been seized in connection with this case along with the vehicle bearing registration No. *AS-25-CC-4819*. The petitioner is a local resident and he has pledged to cooperate with the investigation.

7. Considering all aspects, petition is allowed.

8. In the event of his arrest, the petitioner shall be enlarged on bail on furnishing a bail bond of *Rs.30,000/- (Rupees Thirty Thousand)* with a suitable surety of like amount under the conditions that:

1. *The petitioner will appear before the Investigating Officer within ten days and cooperate with the investigation,*
2. *the petitioner shall refrain from such activities with which he is*

alleged.

9. On breach of any of the bail conditions, bail order shall stand cancelled.
10. Send back the case diary.

Anticipatory Bail application stands disposed of in the above terms.

JUDGE

Comparing Assistant