

GAHC010288312023



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

Case No. : AB/4328/2023

SOFIQUUL ALOM CHOUDHURY AND ANR
S/O ABDUL MOTIN CHOUDHURY
VILL- BIDYAPARA PT.-2, A M CO. ROAD, P.S. DHUBRI,
DIST. DHUBRI, ASSAM

2: ABDUR ROUF AHMED
S/O ISMAIL HUSSAIN
VILL- SATRA KANARA
P.S. BAGHBOR

DISDT. BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T CHUTIA
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

08.01.2024

1. Heard Mr. T. Chutia, learned counsel appearing for the petitioners. Also heard Ms. M. Das, learned Addl. Public Prosecutor, Assam appearing for the State

respondent.

2. This petition under Section 438 Cr.P.C., is filed for the privilege of pre-arrest bail to the petitioners, namely, **Sofiqui Alom Choudhury and Abdur Rouf Ahmed** apprehending their arrest in connection with **Basistha P.S. Case No. 784/2023** registered u/s **379** of the IPC read with Section 11(1)(d) of Prevention of Cruelty to Animal Act, read with Section 13(1)/16 of Assam Cattle Preservation Act, 2021.

3. The Case diary, as called for, is placed before the Court.

4. It is submitted by the learned counsel for the petitioners that that petitioner No.1 is the owner of the vehicle bearing registration No. AS-27 C-6572 and as he is innocent, he was given zimma of the vehicle by the trial court. It is also submitted by the learned counsel for the petitioner that the petitioner No.2 was not aware that the smuggled cattle were transported through his vehicle. It is also submitted on behalf of the petitioner No.2 that he is the owner of the cattle and he has also submitted challans relating to purchase of the cattle.

5. Ms. M. Das, learned Addl. Public Prosecutor, Assam has raised objection stating that there are incriminating materials in the case against the petitioner.

6. I have considered the submissions of the learned counsel for both the parties. I have also considered that the petitioner has submitted invoice and as the investigation has also substantially progressed, his custodial interrogation may not be required for the purpose of investigation.

7. Considering all aspects, it is provided that in the event of arrest, the petitioners, named above, shall be released on pre-arrest bail, in connection with the above noted case on furnishing bail bond of **Rs. 30,000/- each** with one local surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

- (i) That the petitioners shall appear before the Investigating Officer

within 10 days; failing which on and from the 11th day, the pre-arrest bail order shall automatically come to end.

- (ii) That the petitioners shall refrain from committing any similar offence in future of which he is accused or suspected of commission.

8. Breach of any of the above conditions shall render to cancellation of the pre-arrest bail.

9. Return the case diary.

10. This disposes off the anticipatory bail application.

JUDGE

Comparing Assistant