

GAHC010291002023



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

Case No. : AB/4311/2023

SAMIR UDDIN
S/O TOYAB ALI
A RESIDENT OF THE VILL- BHATIAKHALI, P.S. RUPAHIHAT,
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR A W AMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 05-01-2024

1. Heard Mr. S. Nawaz, learned counsel for the petitioner.
2. The petitioner Samir Uddin has filed this application under Section 438 Cr.PC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Khetri PS Case No. 201/2023 registered

under Sections 379/411/34 IPC R/W Sections 11(1)(a)(d)(e) of the Prevention of Cruelty to Animal Act, 1960 and Sections 13(1)/16 of Assam Cattle Preservation (Amendment) Act, 2021.

3. It is submitted on behalf of the petitioner that he is the owner of the vehicle bearing registration No. AS-12-CC-2778. The petitioner has submitted that he was not aware that cattle were being transported through his vehicle. It is also submitted at the Bar that the driver and the handyman of the vehicle were arrested in connection with transporting cattle through two vehicles. The petitioner's vehicle is one of the vehicles. The driver and the handyman have already been enlarged on bail.

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

5. I have perused the Case Diary. Investigation has also progressed to a considerable extent. Custodial interrogation does not appear to be necessary at this juncture. The vehicle and cattle have already been seized in connection with this case.

6. Considering all aspects and in view of my foregoing discussions, petition is allowed. In the event of his arrest the petitioner shall be enlarged on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority under the condition that:-

- i. The petitioner shall appear before the IO within 10 (ten) days and co-operate with the investigation;
- ii. the petitioner shall refrain from such activities with which he is alleged; and
- iii. the petitioner shall not leave the jurisdiction of the Court without prior permission till completion of investigation.

On breach of any bail conditions, bail order shall stand cancelled.

Send back the Case Diary.

JUDGE

Comparing Assistant