

GAHC010291092023



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

Case No. : AB/4330/2023

TAJIMUL ISLAM
S/O SOFIKUL ISLAM
R/O VILL- RUPAHI, P.S. RUPAHI
DIST. NAGAON, ASSAM
PIN-782125

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A LAL

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 04-01-2024

Heard Mr. A. Lal, learned counsel for the petitioner Tajimul Islam.

The petitioner has filed this application under Section 438 of the Code of Criminal Procedure, as he is apprehending arrest in connection with Khetri Police Station Case No. 201/2023 registered under Sections 379/411/34 IPC read with Sections 13(1)/16 Assam Cattle Preservation (Amendment) Act, 2021 read with

Sections 11 (1)(a)(d)(e) of the Prevention of Cruelty to Animals Act, 1960

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

It is submitted on behalf of the petitioner that the petitioner is the owner of the goods carrier bearing registration No. AS-21-CC-2425. He was not privy that the cattle carried on his vehicle were smuggled cattle.

The learned Additional Public Prosecutor has submitted that there are incriminating materials in the case diary against the present petitioner.

A scrutiny of the case diary reveals that there are indeed incriminating materials in the case diary against the present petitioner. However, investigation has progressed to a considerable extent. The present petitioner has pledged to cooperate with the investigation. As he is a local resident, it appears that custodial interrogation may not be required for the progress of investigation.

In view of my foregoing discussions, petition is allowed. In the event of his arrest, the petitioner shall be enlarged on bail on furnishing bail bond of Rs. 30,000/- (Rupees Thirty Thousand) with a suitable surety of the like amount to the satisfaction of the arresting authority under the conditions that:-

- (1) *That the petitioner shall refrain from such activities with which he is alleged, failing which bail order shall stand cancelled.*
- (2) *The petitioner shall appear before the Investigating Officer as and when required.*

Anticipatory bail application stands disposed of in the above terms.

Send back the case diary.

JUDGE

Comparing Assistant