

GAHC010292782023



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

Case No. : AB/4351/2023

IMAM HUSSAIN @ IMAMUL HUSSAIN AND ANR
S/O- LASKAR ALI,
R/O- VILLAGE BALAGAON, RANGIA,
P.S- RANGIA, DIST- KAMRUP, ASSAM

2: RITUL ALI@ RIDUL ALI
S/O- IMAMA ALI @ HUSSAIN

R/O- VILLAGE BALAGAON
RANGIA

P.S- RANGIA

DIST- KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. S K NARGIS

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 28.02.2024

Heard Ms. N. Sultana, learned counsel for the applicants. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Rangia P.S. Case No. 613/2023, under Sections 379/411/413 of the IPC, read with Section 13(1) of the Assam Cattle Preservation Act, this application under Section 438 Cr.P.C. has been preferred by the two applicants, namely, Imam Hussain @ Imamul Hussain and Ritul Ali @ Ridul Ali, 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 SI(P) Pankaj Das of Rangia P.S. on 11.11.2023. The essence of allegation made in the FIR dated 11.11.2023, is that acting on a tip off, the informant along with other police staff, conducted search in the house of Imam Hussain/Ritul Ali, at about 3:45 a.m., and recovered one blue colour Renault Triber vehicle, bearing Registration No. AS01EG9585, loaded with two numbers of cow and apprehended one Najrul Ali and three other persons, namely, Jesim Malik, Muktar Ali, Rinku Ali managed to escape, and thereafter, conducting search in the house of Ritul Ali, they recovered 13 numbers of cow from a room and also found some motorcycles and some knives and seized the same in presence of witnesses.

4. Ms. Sultana, learned counsel for the applicants submits that the applicants had been granted the privilege of interim pre-arrest bail, vide order dated 22.12.2023, and pursuant to the said order, they had also appeared before the I.O. and they have been cooperating with the investigating agency, and

therefore, a contention is being made that the interim order dated 22.12.2023, may be made absolute in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, the learned Addl. Public Prosecutor submits that he has not received the case diary and as per his instruction, the I.O. has laid charge-sheet, being charge-sheet No. 525/2023, dated 30.12.2023, under Sections 379/411/413 of the IPC, read with Section 13(1) of the Assam Cattle Preservation Act, against one Nazrul Ali.

6. Since the present applicants have not been sent up for trial, there appears to be no apprehension of arrest and therefore, this application becomes infructuous and accordingly, the same stands closed.

7. Interim order dated 22.12.2023 stands recalled.

JUDGE

Comparing Assistant