

GAHC010295692023



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

Case No. : AB/38/2024

MD. ARIFUL ISLAM
S/O ABDUL AWAL
R/O VILL- GERUA ATI
P.S. SAMAGURI
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR A DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 19-01-2024

1. Heard Mr. A. Deka, learned counsel for the petitioner Md. Ariful Islam and Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondent State of Assam.
2. The petitioner has filed this application under Section 438 of the Code of

Criminal Procedure, 1973 with prayer for pre-arrest bail as he is apprehending arrest in connection with Basistha Police Station Case No. 774/2023 under Section 379 of the Indian Penal Code read with Section 11(1)(d) of Prevention of Cruelty to Animal Act 1960, read with Section 13(1)/16 of Assam Cattle Preservation (Amendment) Act 2021.

3. The petitioner is the owner of the vehicle bearing registration No. AS-02DC-4211. The vehicle is a bolero pick up and was intercepted while the vehicle was carrying 14 head of cattle. It is submitted that the petitioner was not privy that the cattle was allegedly smuggled cattle.
4. I have considered the submissions at the bar with circumspection. It is submitted at the bar that the petitioner is a local resident and the petitioner will cooperate with the investigation. I have perused the case diary. Investigation has progressed to a considerable extent. Custodial interrogation may not be required for the progress of investigation. The petitioner has pledged to cooperate with the investigation as well as with the trial.
5. Considering all aspects, petition is allowed.
6. 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 to the satisfaction of arresting authority under the conditions that:

(1) *The petitioner shall refrain from such activities with which he is alleged.*

(2) *The petitioner shall appear before the Investigating Officer within ten days and cooperate with the investigation.*

7. On breach of any of the bail conditions, bail order shall stand cancelled.
8. Send back the case diary.
9. In the above terms and conditions, this anticipatory bail application stands cancelled.

JUDGE

Comparing Assistant