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

Case No. : AB/2806/2026

INTAJ ALI
SON OF CHARBAN ALI, RESIDENT OF VILLAGE- SALAKATI CHANDIAGAON, P.O. SALAKATI, P.S. KOKRAJHAR, DISTRICT- KOKRAJHAR, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M M ZAMAN,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

12.11.2026

Heard Mr. M.M. Zaman, learned counsel for the applicant and also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Kokrajhar P.S. Case No.162/2025, under

Section 303(2) of BNS, 2023, read with Sections 13(1)/16 of the Assam Cattle Preservation Act, 2021, read with Section 11(1) of the Prevention of Cruelty to Animals Act, 1960, this bail application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is preferred by the applicant, namely, Intaj Ali, for grant of the privilege of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Tamijul Sheikh, on 02.07.2025. The essence of allegation made in the FIR, dated 02.07.2025, is that on the night of 01.07.2025, at about 9:00 p.m., some unknown persons committed theft of one bull from his cowshed and while he was in-charge of the bull, at about 9:00 p.m., he noticed one vehicle, bearing Registration No.AS-10B-0700 (Maruti Swift) carrying some cattle and though he tried to stop the vehicle, the miscreants left the vehicle by the side of the road and fled away and thereafter, he has recovered his bull along with 4 others from the said vehicle.

4. Mr. Zaman, learned counsel for the applicant submits that the FIR was lodged more than a year back and that the applicant is no way involved with the offence alleged in the FIR and he is neither the owner of the vehicle nor the owner of the cattle and he is ready to cooperate with the investigating agency and therefore, he has contended to allow this application.

5. Per contra, Mr. Baruah, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the present applicant and therefore, Mr. Baruah has contended to dismiss the petition.

6. Having heard the submission of learned Advocates of both sides, this Court has carefully gone through the application and the documents placed on record and also perused the case diary with the assistance of Mr. Baruah, learned Additional P.P.

7. It appears that the I.O. has collected some materials in support of the allegation made in the FIR. But, it appears that the I.O. has got sufficient time for investigation of

this case. The FIR has been registered on 02.07.2025 and since then more than one year elapsed. The stolen cattle has also been recovered. And in view of the materials collected so far in the case diary, and also the process of investigation, custodial interrogation of the present applicant seems to be unwarranted here in this case. And accordingly, this Court is inclined to allow this application.

8. It is provided that in the event of arrest of the applicant, namely, Intaj Ali, in connection with Kokrajhar P.S. Case No.162/2025, under Section 303(2) of BNS, 2023, read with Sections 13(1)/16 of the Assam Cattle Preservation Act, 2021, read with Section 11(1) of the Prevention of Cruelty to Animals Act, 1960, he shall be enlarged on pre-arrest bail on his executing a bond of ₹ 25,000/- with one surety of the like amount to the satisfaction of the arresting authority.

9. The above privilege is, however, subject to the following conditions:-

(i) The applicant shall make himself available for interrogation by the Investigating Officer as and when directed;

(ii) The applicant shall not make any inducement, threat or promise to any person, directly or indirectly, acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

(iii) The applicant shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kokrajhar, without prior permission.

10. In terms of above, this anticipatory bail application stands disposed of. Case diary be returned.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant