

GAHC010043732024



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

Case No. : AB/528/2024

ABDUL LATIF
S/O ABDUL HEKIM
R/O KOCHGAO, P.S. RUPAHIHAT
DIST. NAGAON, ASSAM
PIN-782125

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS A GOGOI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN**

ORDER

22.04.2024

Heard Mr. S.J. Sahariah, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Basistha P.S. Case No.83/2024 under

Section 120B/379 IPC, read with Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960, read with Section 13(1)/16 of the Assam Cattle Preservation Act, 2021, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Abdul Latif, 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) Ritupan Kalita of Jorabat Out Post on 09.02.2024. The essence of allegation made in the aforesaid FIR is that while attending patrolling duty along with other staff on 09.02.2024, at about 4:00 a.m., the informant has intercepted one vehicle, bearing Registration No.AS-02AL-5089, with driver Noor Mohammad and helper Riaz Uddin and also one Faridul Islam and Noon Hussain at link road Jorabat, and they were escorting one vehicle, bearing Registration No.AS-02CC-8143, where 20 nos. of live cattle were being carried without any document.

4. Mr. Sahariah, learned counsel for the applicant submits that this Court vide order dated 01.03.2024 was pleased to extend the privilege of interim pre-arrest bail to the applicant and pursuant to the said order, the applicant had appeared before the I.O. and cooperating with the investigating agency and therefore, a contention is being made that the interim order dated 01.03.2024, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the statement of the applicant is not available in the case diary. However, Mr. Sarma has pointed out that the case diary has not been updated since the month of February, 2024 and the interim order was passed on 01.03.2024 and thereafter, obtaining verbal instruction from the Officer-in-Charge, concerned P.S., Mr. Sarma submits that the applicant had appeared before the I.O. and his statement is recorded.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Additional P.P.

7. It is not in dispute that the applicant had appeared before the I.O. and cooperating with the investigating agency. Considering above and also considering the nature and gravity of the offence as well as progress of investigation, custodial interrogation of the applicant seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 01.03.2024, absolute, in the same terms and conditions. Case diary be returned.

8. In terms of above, this anticipatory bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant