

GAHC010031942024



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

Case No. : AB/392/2024

MD. HABIBUR RAHMAN AND ANR.
S/OLT. ABDUL SELAM
R/O VILL- GERAUAATI
P.S. RUPAHIHAT
DIST.NAGAON, ASSAM

2: MD. MOYEEN ASHRAF
S/O MD. HUSSAIN ANSARI
R/O VILL- CHAPRA DHARAMPUR YADU
P.S. CHAPRA DHARAMPUR YADU
DIST. MUZAFFARPUR
BIHAR

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

14.06.2024

Heard Mr. T. Chutia, learned counsel for the applicants and also heard Mr. P.S.

Lahkar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Khetri P.S. Case No.08/2024, under Section 379/411/34 IPC, read with Section 11(1)(a)(d)(e) of the Prevention of Cruelty to Animals Act, 1960, read with Section 13(1)/16 of the Assam Cattle Preservation (Amendment) Act, 2021, this application under Section 438 Cr.P.C. is preferred by two applicants, namely, Md. Habibur Rahman and Md. Moyeen Ashraf, 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 one Bipin Kalita of Khetri P.S., on 30.01.2024. The essence of allegation made in the aforesaid FIR is that on 29.01.2024, while he was attending patrolling duty under the area of Khetri P.S., at about 9:40 p.m., they have intercepted one Truck, bearing Registration No.NL-01AD-3449 at Nalgejera Elaka and found 35 nos. of cattle being carried in the same in an atrocious manner without any document.

4. Mr. Chutia, learned counsel for the applicants submits that the applicants were granted the privilege of interim pre-arrest bail by this Court vide order dated 20.02.2024 and pursuant to the said order, both the applicants had appeared before the I.O. and cooperating with the investigating agency and therefore, a contention is being made to make the interim order dated 20.02.2024, absolute, in the same terms and conditions.

5. On the other hand, Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, submits that he has not received the case diary. But, as per his instruction the I.O. has completed investigation and submitted charge-sheet, being Charge-Sheet No.28/2024, dated 29.03.2024, under Section 11(1)(a)(b)(e) of the Prevention of Cruelty to Animals Act, read with Section 13(1)/16 of the Assam Cattle Preservation Act against Habibur Rahman, another Habibur Rahman and Moin Ashraf.

6. Since charge-sheet has been submitted after completion of investigation, this Court is inclined to dispose of this application by directing the applicants to appear before the learned Trial Court on or before **27.06.2024** and to apply for regular bail, and in the event of filing such an application, the learned Trial Court shall consider the same in

accordance with law. Till then, interim order passed on 20.02.2024 stands extended.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant