

GAHC010179482023



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

**Case No. : AB/2868/2023**

MAFIYA KHATUN  
W/O HARMUJ ALI,  
VILL.- BRAHMA BEEL, MOWAMARI, KALIABAR, DIST.- NAGAON, ASSAM,  
PIN- 782410.

VERSUS

THE STATE OF ASSAM  
REP. BY P.P., ASSAM.

**Advocate for the Petitioner : MR A DEKA**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 31-08-2023**

Heard Mr. A. Deka, learned counsel for the applicant and also heard Mr. M.P.Goswami, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Bokakhat P.S.Case No. 99/2023, u/s 379 IPC, R/W Section 11(1) (d) of Prevention of Cruelty to Animal Act, 2021, this application under Section 438 Cr.P.C is preferred by the applicant Mafiya Khatun for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR lodged by one Kanakeswar Das on 23.7.2023.

The essence of allegation made in the FIR is that on the intervening night of 22.9.2023, at about 3-30 A.M. he found one Maruti Swift Dezire bearing registration No. AS 12 L 2500 and after checking the vehicle, he found one cattle being carried in the backside of the vehicle by two persons namely, Md. Abdul Barek and Md. Amir Hussain. And during interrogation he came to know that the accused persons committed theft of the cattle and was proceeding towards Nagaon, Samaguri.

Mr. Deka, learned counsel for the petitioner submits that the petitioner is the registered owner of the vehicle and she is no way involved with the offence alleged in the FIR and ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

On the other hand, Mr. Goswami, learned Addl. P.P. submits that after completion of investigation the I.O. has filed the charge sheet, being Charge Sheet No. 87/2023 dated 28.8.2023.

In view of the above, this Court is inclined to dispose of the anticipatory bail application is disposed of by directing the applicant to appear before the learned SDJM(M), Bokakhat and to apply for regular bail and in the event of filing such an application, learned court below shall consider the same in accordance with law.

In the interim, in the event of arrest of the applicant, in connection with Bokakhat P.S. Case No. 99/2023, u/s 379 IPC, R/W Section 11(1) (d) of Prevention of Cruelty to Animal Act, 2021, she shall be released on pre-arrest bail on her executing a bond of Rs.50,000/- with one surety of like amount to the satisfaction of the arresting authority.

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

1. She shall appear before the learned Court below on or before 15.9.2023;
2. That the applicant shall not, directly or indirectly, make any inducement , threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer and
3. That the applicants shall not leave the jurisdiction of the learned SDJM(M), Bokakhat without prior permission.

**JUDGE**

**Comparing Assistant**