

GAHC010150492024



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

Case No. : AB/1976/2024

RAFIQUL ISLAM
SO ABDUL KARIM
VILL- NICHUKA, P.O. BARPETA ROAD,
P.S. BARPETA ROAD, DIST. BARPETA, ASSAM, PIN- 781315

VERSUS

THE STATE OF ASSAM
TO BE REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A MANNAF, MD A S ALI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 31.08.2024

Heard Mr. S. Munir, learned counsel appearing on behalf of Mr. A. Mannaf, learned counsel for the petitioner. Also heard Mr. P Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Golakganj P.S. Case No. 163/2024, under Section 13(1) of the Assam Cattle Preservation Act, 2021 *read with* Section 11 of the Prevention of Cruelty to Animals Act, 1960.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. Munir, learned counsel appearing on behalf of the petitioner, that the present accused/petitioner is innocent and he is no way involved in the alleged offence. It is a fact that the cattles were carried in a vehicle, which may be more than the permissible limit. But the fact is that the present petitioner has a Dairy Farm wherein the cattle were supplied and in that context, he also had a Trade License and the permit was also issued by the concerned Department. More so, he submitted that one certificate is also issued by the Block Veterinary Officer, Bobardhana Block Veterinary Dispensary, Gobardhana Block, Barpeta Road certifying that the present accused/petitioner is a progressive dairy farmer and he also constructed dairy cattle shed to keep the cattle in his farm. Mr. Munir further submitted that the present accused/petitioner is the owner of the cattle and the owner of the truck is already granted bail by this Court. However, he submitted that there might have been cruelty on the cattle, but apart from that, he has not committed any such offence as alleged in the F.I.R. He is ready and willing to co-operate with the I.O. in the further investigation of this case if he is granted with the privilege of

pre-arrest bail.

Mr. Borthakur, learned Additional Public Prosecutor, has submitted in this regard that from the materials available in the Case Diary, it is seen that the present accused/petitioner instructed his labour and handiman of the truck to carry those cattle and they used to transport bulls and cows with a view to transport the same to Bangladesh. Accordingly, Mr. Borthakur submitted that there are sufficient incriminating materials against the present accused/petitioner who used to transport the cattle to Bangladesh in the name of his Dairy Farm.

After considering the submissions made by the learned counsels for both sides and also on perusal of the documents placed on record, I find that the present accused/petitioner may be given a chance to co-operate with the I.O. in the further investigation of this case and therefore, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioner.

Accordingly, it is provided that in the event of arrest of the accused/petitioner, namely, Rafiqul Islam, in connection with Golakganj P.S. Case No. 163/2024, under Section 13(1) of the Assam Cattle Preservation Act, 2021 *read with* Section 11 of the Prevention of Cruelty to Animals Act, 1960, he shall be enlarged on pre-arrest bail on his executing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the petitioner shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer within 7 (seven) days from the date of order and as and when required in connection with the investigation of the aforesaid P.S. Case; and
- (ii) that the petitioner 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 him from disclosing such facts to the Court or to any police officer.

The anticipatory bail application stands disposed of in terms above.

The Case Diary be sent back.

JUDGE

Comparing Assistant