

GAHC010039052023



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

Case No. : Bail Appln./645/2023

SOFIUR RAHMAN AND ANR
S/O ABDUR ROHIM
R/O VILL- CHAGOLI PT.II
DIST. DHUBRI, ASSAM
P.S. AND P.O. GOLAKGANJ

2: ABDUL HALIM @ ABDUL ALIM
S/O RASUL SHEIKH
R/O VILL- ATGHARITARI
P.S. AND P.O. GOLAKGANJ
DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B D KONWAR SR. ADV.

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 24.02.2023

Heard Mr. B.D. Konwar, learned senior counsel, assisted by Mr. P. Doley, learned counsel for the petitioners. Also heard Mr. D.P. Goswami, learned

APP appearing for the State.

2. The petitioners, who were arrested on 11.11.2022, are seeking regular bail under section 439 Cr.P.C. in connection with Golakganj P.S. Case No. 415/2022, under sections 13(1) of the Assam Cattle Preservation (Amendment) Act, 2021, corresponding to G.R. Case No. 1818/2022.

3. The learned APP has opposed the prayer for bail on the ground that charge-sheet has already been submitted and out of 8 witnesses, 6 witnesses have already been examined. It is also submitted that the petitioners were caught red handed and they could not produce any document to justify their possession of the bull.

4. Although, as per the evidence of P.W.1, there are incriminating materials against the petitioners of transporting the bull without any lawful documents, but considering that the petitioners are in custody for last 106 days, the Court is of the considered opinion that further custodial interrogation of the petitioners may not be necessary. Hence, the Court is inclined to grant bail to the petitioners, namely, (1) Sofiur Rahman, and (2) Abdul Halim @ Abdul Alim in connection with the aforesaid case on furnishing bail bond of Rs.50,000/- each with one solvent surety of like amount to the satisfaction of the learned Additional Sessions Judge, Dhubri.

5. Bail is granted on the following conditions:

I. The petitioners 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 Court or tamper with the evidence. They shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

- II. The petitioners shall not obstruct the smooth progress of the investigation/trial.
 - III. The petitioners shall not misuse their liberty in any manner.
 - IV. The petitioners shall appear before the Court of learned Additional Sessions Judge, Dhubri on each and every date. If the petitioners are unable to appear before the said learned Court on any particular date, they would ensure that they are duly represented by his learned counsel on such date.
 - V. The petitioners would submit an undertaking before the trial Court that they would not dispute their identity or the identity of the witnesses when the trial proceeds while they are represented by their learned counsel.
 - VI. In the event, the petitioners fail to appear before the trial Court in disregard to these conditions, it would be open for the learned Additional Sessions Judge, Dhubri to pass appropriate orders for cancellation of bail and secure their presence in trial.
 - VII. If the petitioners are found indulging in similar offence, it would be open for the investigating agency to move the learned trial Court and apply for cancellation of bail.
6. This application stands disposed of.

JUDGE

Comparing Assistant