

GAHC010046192023



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

Case No. : Bail Appln./771/2023

JITU BARUAH
S/O- DINESH BARUAH,
OF VILLAGE- DHOLDHAM, MALAYBARI,
P.S.- KHETRI, DISTRICT- KAMRUP(METRO),
ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MR P K KALITA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

21.03.2023

Heard Mr. PK Kalita, learned counsel appearing for the accused petitioner as well as Mr. RJ Baruah, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely **Jitu Baruah** has prayed for grant of bail in connection with **Khetri P.S. Case No. 39/2023** registered u/s **379/411/34** of the IPC read with Section **11** of the Prevention of Cruelty to Animals Act read with Sections **7/13** of the Assam Cattle Preservation (Amendment) Act, 2021.

The case diary, as called for, is placed before the Court.

As per the FIR, dated 13.02.2023, on 12.02.2022 at 10.30 p.m., based on secret information regarding illegal transportation of cattle through NH-37 by cattle smugglers, the informant along with his police staff conducted special naka checking on NH-37 at Uloni under Khetri PS. During naka checking at about 11.30 a.m., one truck bearing registration No. AS-01PC-0114 was intercepted wherefrom 24 numbers of cattle were recovered without any documents which were accordingly, seized suspecting those to be stolen. It is alleged that the present petitioner who arrived at the P.O. offered money to police for releasing the cattle loaded truck and stated that he was also an associate in the crime. Hence, he was also arrested along with other FIR named accused persons.

Perusal of the case diary shows that the accused petitioner attempted to persuade the informant police officer to release the arrested persons by offering money. An amount of Rs.20,000/- was found from the possession of the accused petitioner, but, it is seen that no provision of the PC Act was added while registering the FIR. The investigation has substantially progressed so far it relates to the involvement of the accused petitioner in the commission of the alleged offences. This Court is of the opinion that further continuation of detention of the accused petitioner who has been in judicial custody for 36 days

since 13.02.2023 in the interest of the ongoing investigation is not warranted.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs.40,000/- (Rupees Forty Thousand)** with one surety of like amount to the satisfaction of learned **CJM, Kamrup(M), Guwahati** subject to the following conditions-

- i) That the accused petitioner shall cooperate with the Investigating Officer as and when required;
- ii) That the accused 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 Police Officer or the Court; and
- iii) That the accused petitioner shall refrain from committing any offences similar to the one of which he is accused or suspected of commission.

Return the case diary.

The bail application stands disposed of.

JUDGE

Comparing Assistant