

GAHC010138032023



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

Case No. : Bail Appln./2211/2023

SUJAL SHEIKH AND ANR.
S/O LT. SEBAT ALI VILL. SHIMLABARI PT I P.O. CHAPAR P.S CHAPAR DIST
DHUBRI ASSAM

2: ASIMUDDIN SHEIKH @ USUMUDDIN SK
S/O ABUL KALAM VILL. TARANGAPUR PT I P.O. CHAPAR P.S CHAPAR
DIST DHUBRI ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR R A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

25.07.2023

Heard Mr. N.J. Dutta, learned counsel for the petitioners. Also heard Mr. D. Das, learned Addl. Public Prosecutor for the State.

2. This bail application under Section 439 Cr.P.C. has been filed by petitioners, namely, **1 Sujal Sheikah and 2. Asimuddin Sheikh @**

Usumuddin Sk, who are detained behind the bar since 07.06.2023 (since last 40 days) in connection with Chapar PS Case No. 130/2023 under Sections 13(1) of the Assam Cattle Preservation Act, 2021.

3. The accusation in this case is that on 06.06.2023, one Khanjan Jyoti Choudhury, SI of Police of Chapar Police Station lodged an FIR before the Officer In-charge of Chapar Police Station, *inter alia*, stating that on receipt of the secret information that some smuggled cows were being taken by the smugglers to Dhir Bill of Betbari Pt.-I under Chapar Police Station. A search operation was conducted and during search operation at Betbari Pt-I, seven Nos. of cattle along with the present petitioners were detained. On receipt of the said FIR, Chapar P.S. Case No. 130/2023 was registered.

4. The learned counsel for the petitioner submits that the present petitioners are not involved in any manner in the offence alleged against them in the FIR rather they were bring the cows which were purchased by the uncle of the present petitioners namely, Jahan Uddin, however, as the case memo of the purchased of the said cattle were not with the petitioners when they were apprehended they could not produce the same. The learned counsel for the petitioners has produced some documents to show that the seized cattle were purchased by Jahan Uddin and Shaijuddin.

5. The learned Addl. Public Prosecutor submits that though the four of the named accused persons are yet to be apprehended and there are materials against the present petitioners in the case diary.

6. I have considered the submissions made by the learned counsel for both sides as well as perused the case diary which was produced by the learned Addl. Public Prosecutor.

7. Though four of the co-accused persons are yet to be apprehended,

however, the continued detention of the present petitioners would not ensure the apprehension of the absconding accused persons. Moreover, considering the period of detention already undergone by the present petitioner, i.e. 40 days, their further continued detention may not be necessary for the sake of completion of fair investigation of Chapar P.S. Case No. 130/2023, if they otherwise co-operate with the Investigating Officer of the said case.

8. In view of above, the present petitioners, namely, **Sujal Sheikah and Asimuddin Sheikh @ Usumuddin Sk** are allowed to go on bail of Rs. 20,000/- (Rupees Twenty Thousand only) each with one surety of like amount to the satisfaction of learned Sub Divisional Judicial Magistrate (M), Bilasipara with a condition that both the petitioners shall co-operate with the Investigating Officer of Chapar P.S. Case No. 130/2023 in fair completion of the investigation of the said case.

9. Sent back the case diary.

10. With the above observation, the instant bail application stands disposed of.

JUDGE

Comparing Assistant