

GAHC010138732023



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

**Case No. : Bail Appln./2219/2023**

FIRAJUL SK AND ANR.  
S/O- SOKIN UDDIN,  
VILL- BHUTIADANGA  
P.S.- SUKCHAR  
DIST.- SOUTH SALMARA- MANKACHAR, ASSAM  
PIN- 783128.

2: MONIRUL ISLAM  
S/O- FIRJUL SK  
VILL- BHUTIADANGA  
P.S.- SUKCHAR  
DIST.- SOUTH SALMARA- MANKACHAR  
ASSAM  
PIN- 783128

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM.

**Advocate for the Petitioner : MR. L R MAZUMDER**

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

**BEFORE**  
**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

**ORDER**

**26-06-2023**

Heard Mr. A.Z.Ahmed, learned counsel for the petitioners and Mr. D.Das, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 439 Cr.P.C., the petitioners, namely, **(i) Firajul Sk** and **(ii) Monirul Islam**, are seeking bail in connection with Sukchar Police Station Case No. 84/2023 registered under Sections 120(B)/406/379 IPC with added Section 420 IPC and Section 13(1) of the Assam Cattle Preservation Act, 2021, corresponding to G.R. Case No. 293/2023 in which they were arrested on 05.06.2023 and since then they are in custody.

The brief facts of the case is that the Sub-Inspector of Police of P.S.I. South Salmara, Mankachar, submitted a report that the cattle given into custody of the concerned Go-shalas and Pounds were found missing during the regular inspection done by him and on the basis of the said report of the Sub-Inspector of Police, the then Chief Judicial Magistrate, South Salmara, Mankachar, conducted an additional inspection and during such inspection, total 1038 Nos. of cattle were found missing from 8 Nos. of Go-shalas and Pounds in the district of South Salmara, Mankachar, Hatsingimari.

On the basis of the said report and as per the instruction of the Superintendent of Police, South Salmara, Mankachar, a police case was registered on 04.03.2023 including the information about the missing of the cattle from 6 Nos. of Go-shalas and Pounds and accordingly, Sukchar P.S. Case No. 84/2023, corresponding to G.R. Case No. 293/2023 was registered.

Perused the case diary placed before the Court today by Mr. Das, learned Additional Public Prosecutor, Assam.

The petitioners herein are the owners of the Pounds on whom such recovered cattle were entrusted and on the basis of the investigation, sufficient ingredients were found against them. As such, the petitioners were arrested on 05.06.2023 and since then they are in custody.

Mr. Das, learned Additional Public Prosecutor, Assam submits that from those 8 Nos. of Go-shalas and Pounds, total 1038 Nos. of cattle were found missing and that in 2 Nos. of the Go-shalas and Pounds, the cattle were found intact whereas in 6 Nos. of Go-shalas and Pounds, the Investigating officer of the case could not find the cattle kept with them.

In the case in hand, 372 Nos. of cattle were kept with the petitioners' Pounds, out of which, 320 Nos. of cattle died and from the remaining cattle, 9 Nos. of buffaloes and 25 Nos. of cows were handed over to the owner of the cattle and 10 to 15 Nos. of cattle were recovered from the pounds of the petitioners.

Mr. Das, learned Additional Public Prosecutor, Assam submits that there was no such proper report regarding the death of the cattle as well as no post-mortem reports of the cattle were found which were alleged to have been death while entrusted with the petitioners.

Considering the materials available in the case diary and the period of detention of the petitioners in custody since 05.06.2023, the Court is of the view that that further custodial detention of the petitioners are not warranted to investigate said Sukchar P.S. Case No. 84/2023. As such, this bail application of the petitioners, named above, is accepted.

Accordingly, the petitioners, namely, **(i) Firajul Sk** and **(ii) Monirul Islam**, be released on bail in said Sukchar P.S. Case No. 84/2023 registered under Sections 120(B)/406/379 IPC with added Section 420 IPC and Section 13(1) of the Assam Cattle Preservation Act, 2021, on furnishing a bail bond of Rs.1,00,000/- each with 2 (two) local sureties each of the like amount, one of which has to be a Government Employee (Central and/or State of Assam), to the satisfaction of the learned Chief Judicial Magistrate, South Salmara, Hatsingimari, Mankachar on conditions that the petitioners shall- (i) appear before the concerned Investigating Officer of said Sukchar P.S. Case No. 84/2023 **on every Monday during the 1<sup>st</sup> half of the office hours between 10:00 am to 02:00 pm in the week commencing from 10.07.2023 for the next 8 (eight) weeks** and thereafter, as and when they are required for necessary investigation of the case; (ii) not indulge in any offence or criminal activities while remaining on bail; (iii) not leave the territorial jurisdiction of said Sukchar Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; (iv) not hamper with the investigation, or tamper with the evidence of the case and (v) 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/him from disclosing such facts to the Court or to any police officer.

Any violation of any of the aforesaid terms and conditions by the petitioners, named above, the bail granted to them in said Sukchar P.S. Case No. 84/2023 shall stand automatically vacated.

This bail application of the petitioners stands allowed to the extent above.

Return the case diary

**JUDGE**

**Comparing Assistant**