

GAHC010164112023



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

Case No. : Bail Appln./2720/2023

AKRAMIN HUSSAIN AND ANR
S/O SOFIKUL ISLAM
R/O VILL- BAGIA GAON
P.S. SAMAGURI
DIST. NAGAON, ASSAM

2: MUSTAFA ALI
S/O KASEM ALI
R/O VILL- BAJIA GAON
P.S. SAMUGURI

DIST. NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 04.08.2023

Heard Mr. T. Chutia, learned counsel for the accused/petitioners. Also heard Ms. S.H. Bora, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioners, namely, **Akramin Hussain and Mustafa Ali**, in connection with **Basistha P.S. Case No. 386/2023**, registered under **Section 379/34 IPC r/w Section 13(1)/16 Assam Cattle Preservation Act, 2021 and r/w Section 11(1)(d) of Prevention of Cruelty to Animal Act, 1960**.

It has been submitted by the learned counsel for the accused/petitioners that the petitioners are driver and handyman of the seized vehicle wherein cattle were transported. It is also submitted that one Md. Abdul Rahman who has purchased the seized cattle from Bihora weekly cattle sale market, Golaghat and to that effect, copies of challan were submitted before this Court. Learned counsel for the accused/petitioners further submitted the petitioners have been detained in custody since 06.07.2023. Considering the background of the case as well as the period of detention, petitioners may be enlarged on bail.

On the other hand, Ms. Bora, learned Additional Public Prosecutor for the State has opposed in granting bail to the petitioners. It is also submitted that the prayer of the accused/petitioners may be considered after perusal of the case diary.

I have considered the submissions made by the learned counsel for the parties.

It appears from the averments made in the petition that one Md. Abdul Rahman who is owner of the seized cattle and one Rinku Das who is the registered owner of the seized vehicle respectively. Considering above facts, this Court is of the view that further custodial interrogation of the accused-

petitioners is not necessary in the interest of investigation of the case. Hence, the prayer for bail is allowed.

Accordingly, the accused-petitioners, named above, shall be released on bail in connection with **Basistha P.S. Case No. 386/2023, registered under Section 379/34 IPC r/w Section 13(1)/16 Assam Cattle Preservation Act, 2021 and r/w Section 11(1)(d) of Prevention of Cruelty to Animal Act, 1960**, on furnishing bail bond of **Rs.20,000/- each** with **one suitable surety each** of the like amount, to the satisfaction of learned CJM, Kamrup(M), Guwahati.

The direction for bail is further subject to the conditions that the accused-petitioners:

(a) shall not leave the territorial jurisdiction of learned CJM, Kamrup(M), Guwahati, without prior written permission from him;

(b) 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.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant