

GAHC010176772023



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

Case No. : Bail Appln./2920/2023

SAKIB IKBAL AND ANR
S/O LT. SAMSDAD AHMED
R/O VILL- RAMPUR BARIYA GAON
P.S. KESORIA
DIST. EAST CHAMPARON, BIHAR.

2: MD. ERSAD KHAN
S/O LT. SAPER KHAN
R/O VILL-RAMPUR BARIYA GAON
P.S. KESORIA
DIST. EAST CHAMPARON
BIHAR

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 MR. JUSTICE ROBIN PHUKAN
ORDER

25.08.2023

Heard Mr. T. Chutia, learned counsel for the accused and Mr. R.J.

Barua, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused/applicant, namely, **Sakib Ikbali** and **Md. Ersad Khan**, who have been languishing in jail hazot in connection with the **Sonapur P.S. Case No. 139/2023**, under Sections 379/411/34 of the IPC read with Section 11[a][b][d] of the Prevention of Cruelty to Animal Act and read with Section 13[1] of the Assam Cattle Preservation Act, for granting bail.

3. The aforementioned case has been registered on the basis of one FIR lodged by one UBC-300, Karuna Kakati, on 14.07.2023. The essence of allegation made in the FIR is that the accused persons were caught red handed while they were carrying 30 nos. of cattle in a Truck, bearing registration No. UP-21-CN-2107, without any valid documents.

4. Mr. Chutia, learned counsel for the accused submits that the accused persons were arrested on 15.07.2023, and since then they have been languishing in jail hazoot for last 42 days and that they are driver and handyman of the Truck. Mr. Chutia further submits that the owner of the cattle has already been granted the privilege of pre-arrest bail by this Court, vide order dated 22.08.2023, in AB No. 2883/2023, and that they are ready to cooperate with the investigating agency and therefore, it is contended to enlarge the present accused on bail.

5. On the other hand, Mr. Barua, learned Additional Public Prosecutor, prays for some more time to produce the case diary before this Court.

6. Having heard the submission of learned Advocates for both sides, I have carefully gone through the petition and the materials placed on record and

it appears that the accused was arrested on 15.07.2023, and since then they have been languishing in the jail hajoot for last 42 days.

7. Considering the period of detention and the nature of accusation and the punishment prescribed for the same and also considering the submission of learned Advocates for both sides, this Court is of considered opinion that further custodial detention of the accused are not required in the interest of investigation.

8. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup [M] at Guwahti, the accused persons be enlarged on bail.

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

JUDGE

Comparing Assistant