

GAHC010179252023



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

Case No. : Bail Appln./2862/2023

BORNIO TISSO AND ANR
S/O JEMUAL TISSO
R/O VILL- UMPANAI
P.S. BAITHALANGSHU
DIST. WEST KARBI ANGLONG, ASSAM
PIN NO. 782410

2: ABDUL HANNAN
S/O INNAS ALI
R/O VILL-KACHUA NO. 2

P.S. KACHUA
DIST. NAGAON
ASSAM
PIN CODE- 78242

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R C DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 17.08.2023

Heard Mr. R.C. Das, learned counsel for the petitioner. Also heard Ms. S.H. Bora, learned APP appearing for the State.

By this application under Section 439 Cr.P.C., the petitioners, namely, (1) Bornios Tisso and (2) Abdul Hannan, who were arrested on 08.07.2023, are seeking regular bail in connection with Kachua PS Case No. 102/2023 under Sections 379/411/289/34 IPC read with section 11(1)(d) of Prevention of Cruelty to Animals Act, 1960, read with section 13(1) of Assam Cattle Preservation Act, 2021.

The petitioners stated to be a driver and handyman of vehicle bearing registration no. AS-31-C-0395, which was intercepted carrying 10 numbers of cattle. Accordingly, they were arrested on 08.07.2023 and forwarded on 09.07.2023. The learned counsel for the petitioner has annexed to this application purchase bills of bulls purchased from Kathiatoli Cattle Market under Nagaon Zila Parishad.

The learned APP has opposed the prayer for bail and prays for some time to produce the case diary.

On considering the fact that the petitioners have already suffered detention more than a month, the Court is of the considered opinion that the further custodial interrogation of the petitioners is not required. Accordingly, considering the length of detention, this Court is inclined to release the petitioners named above on bail in connection with the case aforementioned on furnishing bail bond of Rs.20,000/- each with one suitable surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Nagaon on the following conditions:

1. That the petitioners shall make themselves available to the police or any other investigating agency or Court in the present case as and when required.
2. That the petitioners 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 Court or to any police officer or tamper with the evidence. They shall not, in any manner, try to overawe or influence or intimidate the prosecution witnesses.
3. That they shall not obstruct the smooth progress of the investigation/trial.
4. That the petitioners shall not misuse their liberty in any manner.
5. That the petitioners shall not jump over the bail.
6. That the petitioners shall appear before the I.O. once in every month till their appearance is dispensed with by the I.O., or filing of the charge-sheet, whichever is earlier.

This bail application stands disposed of.

JUDGE

Comparing Assistant