

GAHC010193472023



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

Case No. : Bail Appln./3045/2023

AJIM UDDIN
S/O MD. SURUJ ALI
R/O VILL- 1 NO. BORGHULI,
P.S. ULIONI
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. D BORGOHAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 30.08.2023

Heard Ms. D. Borgohain, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State.

This bail application has been preferred under Section 439 of Code of Criminal Procedure, 1973, praying for bail of petitioner, namely, Md. Ajim Uddin, who is detained behind the bar since 08.08.2023 (23 days) in connection with Laluk P. S. Case No. 152/2023 under Sections 279/379/411 of

the Indian Penal Code read with Section 11(1) (d) of Prevention of Cruelty to Animals Act, 1960 and Section 13(1) Assam Cattle Preservation Act, 2021.

The accusation in this case is that on 07.08.2023, one Sri Gourav Kaustav Muni Bhumij lodge lodged an FIR before the Officer-in-Charge of Laluk Police Station, *inter-alia*, alleging that on that day, at about 5.30 am on receipt of an information over telephone that a Bolero Pick Up Van met with an accident in front of No. 2 Parbatipur Bagan Gate. The police party reached the spot and saw the Bolero Pick Up Van bearing registration No. AS-12CC/2120, which met with an accident. It was found that the driver of the said vehicle had fled away after the accident and the vehicle was carrying six numbers of bulls and it came to the knowledge later on that the said cattles were being transported illegally.

On receipt of the said FIR, Laluk P. S. Case No. 152/2023 was registered.

Learned counsel for the petitioner has submitted that the present petitioner is the registered owner of the vehicle which was involved in the accident and the said vehicle was used for carrying cattles without his knowledge.

Learned counsel for the petitioner has also submitted that the petitioner has already been detained behind the bar since last 23 days, considering the length of detention, the prayer for bail is made.

On the other hand, learned Additional Public Prosecutor submits that on perusal of the record, it appears that the prayer for bail of the present petitioner was rejected by the Court of learned Additional Chief Judicial Magistrate, Lakhimpur on 22.08.2023, after perusal of the case diary, finding sufficient incriminating materials against the present petitioner.

I have heard the submissions made by the learned counsel for both sides and have perused the materials on record.

Though the application for bail of the present petitioner was rejected by learned Additional Chief Judicial Magistrate, Lakhimpur on 22.08.2023 after perusal of the case diary, however, since then some time has been lapsed and the petitioner is detained behind the bar since last 23 days, which in considered opinion of this Court is a considerable period of time considering the nature of the offences involved in this case.

Considering all aspects of this matter, further custodial detention of the petitioner does not appear to be necessary for fair completion of the investigation in Laluk P. S. Case No. 152/2023.

In view of the above, the petitioner, namely, Md. Ajim Uddin is allowed to go on bail of Rs.

30,000/- (Rupees Thirty Thousand only) with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Lakhimpur with a condition that the petitioner shall continue to co-operate with the Investigating Officer in fair completion of the investigation of Laluk P. S. Case No. 152/202.

With the above observation, this bail application is accordingly disposed of.

JUDGE

Comparing Assistant