

GAHC010204322023



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

Case No. : Bail Appln./3240/2023

ASHRAFUL ALOM
S/O AZMOT ALI
VILL- NO. 2 PALASHGURI
P.S. GOSSAIGAON
DIST. KOKRAJHAR, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 28-09-2023

Heard Mr. A. Ahmed, learned counsel for the accused and also heard Ms. N. Das, learned Addl. P.P. for the State respondent.

This application, under Section 439 Cr.P.C. is preferred by the accused Ashraf Alom, who has been languishing in jail since 25.8.2023, in connection with Gossaigaon P.S. Case No. 309/2023, under Sections 379/411/34 IPC, read with Section 13(1) of Assam Cattle Preservation Act for

grant of bail.

The above noted case has been registered on the basis of an FIR lodged by one Siba Prasad Kalita, S.I of Gossaiagaon P.S on 25.8.2023.

The essence of allegation, made in the FIR dated 25.8.2023 is that acting on a tip of they have conducted search in the house of Hasmat Ali and Asraful Alom of village No.2 Palashguri, and they have recovered two carcasses of cows and seized the same in presence of witnesses and during investigation the it has come to light that they alongwith some other persons used to steal cow from different places and running the illegal business, violating the provision of Assam Cattle Preservation Act.

Mr. Ahmed, learned counsel for the accused submits that the accused was arrested on 25.8.2023, and since then, he is languishing in jail hazot for last 35 days and he is ready to cooperate with the investigating agency, and therefore, it is contended to allow the petition.

On the other hand, Ms. N.Das, learned Addl. P.P. has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the accused and therefore, she has opposed the petition.

Having heard the submission of learned Advocates for both the parties and I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Ms.Das, learned Addl. P.P.

It appears from the case diary that the I.O. has collected some materials in support of allegation made in the FIR and that the I.O. has achieved substantial progress in the investigation of the case and that the material part of the investigation seems to be already over.

Considering the above and considering the period of detention and balancing the same with the nature and gravity of the offence, this Court is inclined to allow this petition. It is provided that on furnishing a bond of Rs.50,000/- with one surety of like amount to the satisfaction of the learned Sub-Divisional Judicial Magistrate(M), Gossaiagaon, the accused be enlarged on bail.

In terms of above, this bail petition stands disposed of.

Case diary be returned.

JUDGE

Comparing Assistant