

GAHC010204942023



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

Case No. : Bail Appln./3229/2023

JAHIDUL ISLAM
S/O- MD TARA MIYA, VILLAGE- JORSIMOLI, P.S. CHHAYGAON, DIST.-
KAMRUP (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 06.10.2023

Heard Mr. F. Haque, learned counsel for the accused and also heard Mr. K. K. Parasar, learned Additional P.P. for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973 is preferred by the accused namely **Jahidul Islam** who has been languishing in jail hazot in connection with the **Sonapur P.S. Case No. 183/2023** under Sections 379/411 of the IPC read with Section 11(a)(b)(d) of Prevention of

Cruelty to Animals Act and read with Section 13(1) of the Assam Cattle Preservation Act for granting bail.

3. It is to be noted here that the above noted case has been registered on the basis of one FIR lodged by one Monoranj Barman, Head Constable of Sonapur Police Station on 01.09.2023. The essence of allegations made in the said FIR, dated 01.09.2023, is that while attending patrolling duty, they have intercepted one TATA Truck, bearing Registration No.AS-01-PC-1369, and having checked the same, they found 16 numbers of cattle, being carried in the same without relevant documents and apprehended one person, namely Jahidul Islam.

4. Mr. F. Haque, learned counsel for the accused submits that the accused was arrested on 01.09.2023, and since then he has been languishing in jail hazot for last 37 days. Mr. F. Haque, further submits that the accused is a handyman of the said Truck, and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. Whereas, Mr. K. K. Parasar, learned Additional P.P., has produced the Case Diary before this Court and submits that the I.O. has collected some materials against the accused and the driver of the vehicle has fled away leaving the vehicle on the road at the time of occurrence and that the I.O. has examined the witnesses and also seized the cattles, and therefore, Mr. K. K. Parasar has opposed the petition.

6. Having heard the submissions of the learned advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary with the assistance of Mr. K. K. Parasar, learned Additional P.P.

7. The Case Diary indicates that the accused was arrested on 01.09.2023, and

since then he has been languishing in jail hazot for last 37 days. Case Diary also indicates that the I.O. has collected some materials against the accused and he also examined some witnesses and also seized the cattles and the vehicle.

8. Having considered the above, and also 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.

9. 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 CJM, Kamrup (M), the accused be enlarged on bail.

10. In view of above, this bail application stands disposed of.

JUDGE

Comparing Assistant