

GAHC010218052023



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

Case No. : Bail Appln./3454/2023

ATABUR RAHMAN AND ANR
S/O SIDDIK ALI
R/O VILL- BARKURANI
P.S. MAYONG
DIST. MORIGAON, ASSAM

2: MD. SAHIDUL ISLAM
S/O GIYASUDDIN
VILL- PHALIAMARI @ HALIYAMARI
P.S. MAYONG
DIST. MORIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A A MONDAL

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 19.10.2023

Heard Md. B. Islam, learned counsel for the petitioners. Also heard Mr.

K.K. Das, learned Additional Public Prosecutor for the State/respondent.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the petitioners, namely, **Atabur Rahman and Md. Sahidul Islam**, in connection with **Basistha P.S. Case No. 568/2023**, registered under **Section 379/411 IPC r/w Section 13(1)/16 of Assam Cattle Preservation (Amendment) Act, 2021 r/w Section 11/(1)(d) of the Prevention of Cruelty to Animals Act, 1960.**

It is submitted by the learned counsel for the petitioners that the petitioners have been detained in custody since 19.09.2023. It is further submitted that the petitioners have never committed such offence as alleged in the FIR. Considering the background of the case as well as the period of detention, the petitioners may be enlarged on bail.

In response, Mr. Das, learned Additional Public Prosecutor for the State has submitted that at the relevant time of the incident, the petitioners were failed to produce legal document to prove that they are not illegally carrying the cattle from Nagaon to Byrnihat. He further submits that considering the period of detention, bail may be considered to the petitioners.

I have considered the submissions made by the parties. I have also perused the case diary.

Considering the materials found in the case diary, this Court is the view that further custodial detention of the accused-petitioners is not necessary in the interest of investigation of the case.

Accordingly, the petitioners, named above, shall be released on bail in connection with **Basistha P.S. Case No. 568/2023**, registered under **Section 379/411 IPC r/w Section 13(1)/16 of Assam Cattle Preservation (Amendment) Act, 2021 r/w Section 11/(1)(d) of the**

Prevention of Cruelty to Animals Act, 1960, on furnishing bail bond of **Rs.20,000/- each** with a **suitable surety each** of the like amount, to the satisfaction of learned CJM, Kamrup(M), Guwahati, Assam.

The direction for bail is further subject to the conditions that the petitioners:

(a) shall not leave the territorial jurisdiction of learned CJM, Kamrup(M), Guwahati, Assam without prior written permission from him/her;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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 the Court or to any police officer.

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

Return the case diary.

JUDGE

Comparing Assistant