

GAHC010250352023



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

Case No. : Bail Appln./4030/2023

AKIB HUSSAIN
S/O LATE AMIR ALI
R/O VILL- KAPALKATA
P.S. SONAPUR
P.O. SONAPUR,
DIST. KAMRUP (M), ASSAM
PH. NO. 7002282767

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. Y SIKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 08.11.2023

Heard Mr. Y. Sikdar, learned counsel for the petitioner. Also heard Ms. A. Begum, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by

the accused-petitioner, namely, **Akib Hussain**, in connection with **Basistha P.S. case No. 631/2023**, registered under **Section 379 IPC r/w Section 11(1)(d) Prevention of Cruelty to Animal Act r/w Section 13(1)/16 Assam Cattle Preservation Act**.

It has been submitted by the learned counsel for the accused-petitioner that the petitioner is the driver of the seized vehicle of the instant case. It is also submitted that on instruction of his employer i.e. owner of the seized vehicle, he was carrying the said cattle. It is further submitted that the accused-petitioner has been detained in custody since 17.10.2023. Considering the nature of offence as well as length of detention, petitioner may be enlarged on bail.

In response, Ms. Begum, learned Additional Public Prosecutor for the State has opposed in granting bail to the accused/petitioner. It is also submitted that the investigation is still going on so that the prayer of the accused/petitioner may be considered after perusal of the case diary.

I have considered the submissions made by the learned counsel for the parties. I have also perused the documents available on record.

Considering the materials found in the record as well as the length of detention of the accused-petitioner in custody, this Court is of the view that further custodial detention of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Basistha P.S. case No. 631/2023**, registered under **Section 379 IPC r/w Section 11(1)(d) Prevention of Cruelty to Animal Act r/w Section 13(1)/16 Assam Cattle Preservation Act**., on furnishing bail bond of **Rs.20,000/-** with one suitable surety of the like amount to the

satisfaction of learned CJM, Kamrup(M), Guwahati.

The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned CJM, Kamrup(M), Guwahati, 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.

JUDGE

Comparing Assistant