

GAHC010250702023



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

Case No. : Bail Appln./4026/2023

BAHARUL ISLAM
S/O LT. HARJAT ALI R/O VILL KANUAMARI P.S SAMAGURI DIST. NAGAON
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 29.11.2023

Heard Mr. A.N. Iqbal, learned counsel for the petitioner and Mr. B. B. Gogoi, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioner, namely Baharul Islam, seeking bail in connection with Basistha P.S. Case No. 665/2023 under Section 379 IPC read with Section 11(1)(d) of the Prevention of

Cruelty to Animals Act read with Sections 13(1)/16 of the Assam Cattle Preservation Act.

The learned counsel for the petitioner has submitted that the petitioner has been detained in custody since 30.10.2023 and he has almost completed the mandatory period of 60 days in jail hayat. It is also submitted that the petitioner is not the driver of the concerned vehicle and the seized driving licence of the vehicle was in the name of one Mustafa Ali. In view of the above as well as length of detention, prayer for bail may be considered to the petitioner.

The learned Addl. PP has opposed in granting bail to the petitioner by stating that as per the case diary the petitioner has stated that he was the driver of the vehicle.

The case diary is received and perused.

I have considered the submission of the learned counsel for the parties.

It appears from the case diary that the petitioner has completed 59 days in jail hayat. Considering the period of detention, this Court is of the view that the release of the petitioner on bail may not adversely affect the investigation of the case. Accordingly, the prayer for bail is allowed.

It is directed that the accused/ petitioner above named be released on bail in connection with Basistha P.S. Case No. 665/2023 under Section 379 IPC read with Section 11(1)(d) of the Prevention of Cruelty to Animals Act read with Sections 13(1)/16 of the Assam Cattle Preservation Act on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) with 1 (one) suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati.

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

- (a) shall not leave the territorial jurisdiction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati without prior written permission from him/ her;
- (b) shall not hamper with the investigation and tamper with the evidence of the case; and
- (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/ her from disclosing such facts to the Court or to any police officer.

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

The case diary be returned.

JUDGE

Comparing Assistant