

GAHC010252612023



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

Case No. : Bail Appln./4094/2023

BHAJON DAS AND ANR.
SON OF LATE RAJEN DAS, RESIDENT OF VILLAGE- BAROBISHA, P.S.
KUMARGRAM, DISTRICT- ALIPURDUAR, WEST BENGAL

2: SUSHANTA BISWAS
SON OF LATE SUREN BISWAS
RESIDENT OF VILLAGE- BAROBISHA
P.S. KUMARGRAM
DISTRICT- ALIPURDUAR
WEST BENGAL

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R PHUKAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 14.11.2023

Heard Mr. R. Phukan, learned counsel for the petitioners and Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioners, namely (1) Bhajon Das and (2) Sushanta Biswas, seeking bail who were arrested in connection with

Sonapur P.S. Case No. 204/2023 (Corresponding to G.R. Case No. 7075/2023) under Sections 379/ 411/ 34 IPC read with Sections 11(a)(b)(d) of the Prevention of Cruelty to Animal Act read with Sections 13(1)/14 of the Assam Cattle Prevention Act.

It is submitted by the learned counsel for the petitioners that both the petitioners are driver and handyman of the vehicle wherein 38 cattles were found and they have no knowledge about transportation of cattles illegally. It is further submitted that both the accused have been in judicial custody for last 53 days. Under the above facts and circumstances, bail may be granted to the petitioners.

The learned Addl. PP has raised objection in granting bail to the petitioners by stating that bail may be granted to them after perusal of the case diary.

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

As the accused petitioners have been in custody since last 53 days, it transpires that substantial part of investigation has been completed. Under such backdrop, further custodial interrogation of the petitioners is not required for further investigation of the case.

In view of the above, prayer for bail of the petitioners is allowed.

Accordingly, it is directed that the accused/ petitioners above named be released on bail in connection with Sonapur P.S. Case No. 204/2023 (Corresponding to G.R. Case No. 7075/2023) under Sections 379/ 411/ 34 IPC read with Sections 11(a)(b)(d) of the Prevention of Cruelty to Animal Act read with Sections 13(1)/14 of the Assam Cattle Prevention Act on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) each with 1 (one) suitable surety each of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati.

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

- (a) shall not leave the territorial jurisdiction of the learned Chief Judicial Magistrate, Kamrup (M), 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.

JUDGE

Comparing Assistant