

GAHC010257152022



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

Case No. : Bail Appln./3470/2022

INNAS ALI
S/O ABU SAMA SK. VILL. TARANGAPUR CHAKRAPARA P.O. CHAPAR P.S
CHAPAR P.S CHAPAR DIST. DHUBRI ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR R A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

03.01.2023

Heard Mr. R.A. Ahmed, learned counsel for the accused and Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused, namely, Innas Ali, who is languishing in jail hazot

since 20.11.2022, in connection with the Chapar P.S. Case No. 211/2022, under section 13[1] of the Assam Cattle Preservation Act, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by SI Dwijendra Medhi of Chapar PS, on 19.11.2022, to the effect that acting on a tip off he has visited Arearjhar village under Chapar PS and arrested one Innas Ali with 4 numbers of cows from the possession of the villagers of said village, who have apprehended them. The cows were being taken by the accused without any valid documents and thereafter, he has seized the same preparing seizure list in presence of witnesses.

4. Mr. Ahmed, learned counsel for the accused submits that the accused was arrested on 20.11.2022, and he is behind the bar for last 45 days and that he is a daily wage earner and one Tahajuddin has engaged him to take the said cows which belongs to one Tahajuddin, who allegedly purchased the same from Bidyapur on 19.11.2022, and that the accused is ready to cooperate with the investigating agency, and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Gogoi, learned Additional Public Prosecutor has produced the case diary before this Court and submits that material part of investigation is almost over.

6. Having heard the submissions of 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. Gogoi, learned Additional Public Prosecutor.

7. It appears that the accused was arrested in this case on 20.11.2022, and since then he is languishing in jail hazoot. It also appears from the case diary that the material part of investigation is almost over and further custodial

detention of the accused seems to be unwarranted in the interest of investigation, and accordingly, it is provided that on furnishing a bond of Rs. 25,000/- (Rupees twenty five thousand) only, with one surety of like amount to the satisfaction of the learned SDJM [M], Bilasipara, the accused be enlarged on bail.

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

9. The case diary be returned

JUDGE

Comparing Assistant