

GAHC010272042022



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

Case No. : Bail Appln./7/2023

SHYAMAL CHANDRA BISWAS
S/O- SRI KAMAL CHANDRA BISWAS, R/O- VILL- MOUTUPURI, P.S.
GOBARDHANA, DIST.- BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM

Advocate for the Petitioner : MR. U J SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 25.01.2023

Heard Mr. U.J. Saikia, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned APP appearing for the State.

By this application under Section 439 Cr.P.C., the petitioner, namely, Sri Shyamal Chandra Biswas, who was arrested on 21.12.2022, is seeking regular

bail in connection with Gobardhana PS Case No. 160/2022 under Sections 120(B)/420/468/201 of IPC read with Section 13(1) of Assam Cattle Preservation Act, 2021 read with Section 11(1)(d)(h) of the Prevention of Cruelty to Animals Act, 1960.

The learned APP has produced the case diary and has opposed the prayer for bail.

On a perusal of the case diary, it appears from the investigation carried out so far that the petitioner is involved in illegal cattle trade. It is seen that the petitioner could not give an account of the cattle, which was brought by him from various places and he has also no account of the cattle sold by him. Therefore, the petitioner is a suspect of illegal trading cattle and that the said cattle are suspected to be traded for slaughter.

Although, the case diary contains sufficient incriminating materials against the petitioner, but considering the fact that the petitioner has already suffered detention of 35 days, the Court is of the considered opinion that the further custodial interrogation of the petitioner is not required. Accordingly, considering the length of detention, this Court is inclined to release the petitioner named above on bail in connection with the case aforementioned on furnishing bail bond of Rs.1,00,000/- with two suitable sureties of like amount to the satisfaction of learned Chief Judicial Magistrate, Baksa on the following conditions:

1. That the petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.
2. That the petitioner 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 Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witnesses.

3. That he shall not obstruct the smooth progress of the investigation/trial.

4. That the petitioner shall not misuse his liberty in any manner.

5. That the petitioner shall not jump over the bail.

6. That the petitioner shall appear before the I.O. once in a month till his appearance is dispensed with by the I.O., or filing of the charge-sheet, whichever is earlier.

This bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant