

GAHC010286372023



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

Case No. : Bail Appln./4584/2023

MD ROFIQUL ISLAM
S/O LT. AJIBUR RAHMAN
R/O VILL- TEKELIPHUTA GAON
P.S. SAMAGURI
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. D M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 22-12-2023

Heard Mr. D.M.Khan, learned counsel for the petitioner. Also heard Mr. K.K. Das, learned Additional Public Prosecutor for the State.

2. By this application under Section 439 Cr.P.C., the petitioner namely, Md.

Rafiqul Islam seeking regular bail in connection with Sonapur Police Station Case No. 256/2023 (corresponding to G.R. Case No. 8654/2023), registered under Sections 379/411 IPC read with Sections 11(a) (b) (d) of The Prevention of Cruelty to Animals Act, read with section 13(i)/14 of Assam Cattle Preservation Act. The petitioner is in custody in connection with the aforementioned case since 22.11.2023.

3. The learned Additional Public Prosecutor has produced the case diary and has opposed the prayer for bail.

4. Case diary reveals sufficient incriminating materials against the accused petitioner on transporting cattle without any authorized permit and without any supporting documents. Moreover, the Investigating Officer is also suspecting the petitioner to be involved in the several other cases of similar nature.

5. Be that as it may, the petitioner has already been in custody for last 30(thirty) days and it appears that his statement is also been recorded and the cattle in the truck were also been seized. Therefore, the Court is of the considered opinion that further custodial interrogation of the accused petitioner may not be necessary and is inclined to grant the bail to the accused petitioner.

6. Accordingly, it is provided that the accused petitioner namely, Md. Rafiqul Islam, shall be released on bail in connection with Sonapur Police Station Case No. 256/2023 (corresponding to G.R. Case No. 8654/2023), registered under Sections 379/411 IPC read with Sections 11(a) (b) (d) of The Prevention of Cruelty to Animals Act, read with section 13(i)/14 of Assam Cattle Preservation Act, on furnishing a bail bond of Rs.50,000/-(Rupees Fifty Thousand) only with a suitable surety of the like amount, to the satisfaction of learned Elaka

Magistrate, Kamrup (M) Guwahati.

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

(a) shall not leave the territorial jurisdiction of learned Elaka Magistrate, 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.

(d) shall appear before the Investigating Police Officer as and when called upon by the Investigating Police Officer, till the investigation of the case is completed. In the event, if the Investigating Police Officer finds that the petitioner is involved in any other similar nature of offence then it is open to the I.O to move the concerned jurisdictional Court to cancel the bail prayer of the petitioner.

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

Return the case diary.

JUDGE

Comparing Assistant