

GAHC010007722024



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

Case No. : Bail Appln./131/2024

MD AJGOR ALI AND ANR
S/O MD. SOBUR UDDIN
R/O VILL- KACHARI PATY PART-3,
P.S. ABHAYAPURI
DIST. BONGAIGAON, ASSAM

2: MD. ALTAP HUSSAIN
S/O LATE KURBAN ALI
R/O VILL- KACHARI PATY PART-3

P.S. ABHAYAPURI
DIST. BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 12-01-2024

1. Heard Mr. T. Chutia, learned counsel for the petitioners.
2. The petitioners, namely, (1) Md. Ajgor Ali and [2] Md. Altap Hussain have filed this application under Section 439 Cr.PC with prayer for bail as they are behind bars since 19.12.2023 in connection with Khetri P.S. Case No. 219/2023 registered u/s 379/411/34 IPC R/W Section 11(a)(d)(e) of Prevention of Cruelty to Animal Act, 1960, R/W Section 13(1)/16 of Assam Cattle Preservation Act, 2021.
3. Heard Mr. R.R. Kaushik, learned Addl. PP, Assam.
4. I have considered the submissions at the Bar.
5. It is submitted on behalf of the petitioners that the petitioner No. 1 is the driver of the vehicle and the petitioner No. 2. is the handyman of the vehicle. They were not aware that smuggled cattle were transported through the vehicle bearing registration No. NL-01-AD-1142, a truck.
6. The learned Addl. P.P. has raised serious objection stating that there are direct allegations in the FIR contending that 28 cattle were smuggled through the vehicle.
7. I have considered the length of detention. The petitioners are behind bars since 19.12.2023. Investigation has presumably progressed to a considerable extent. The allegedly smuggled cattle were already seized with the vehicle. I have also considered the fact that the petitioners are local residents and they have pledged to co-operate with the investigation.
6. Considering all aspects, petition is allowed. The petitioners are enlarged on bail of Rs. 30,000/- each with a suitable surety of like amount to the satisfaction of the Elaka Magistrate, Kamrup (M) under the conditions that:-
 - [i] The petitioners shall appear before the IO within 10 days from today and co-operate with the investigation; and
 - [ii] the petitioners shall refrain from such activities with which they are alleged.

On breach of any of the bail conditions, bail order shall stand cancelled.

JUDGE

Comparing Assistant