

GAHC010007782024



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

Case No. : Bail Appln./137/2024

MD KARIM ALI AND 3 ORS
S/O MD. IMAN ALI
R/O VILL- NO. KACHUTALI
P.S. SONAPUR
DIST. KAMRUP (M), ASSAM

2: MD. IKRAMUL ALI
S/O MD. MAINUDDIN ALI
R/O VILL- TOPATALI
P.S. KHETRI
DIST. KAMRUP (M) ASSAM

3: MD. RIAJUL ISLAM
S/OLT. JOYNAL ABEDIN
R/O VILL- KANCHANPUR
P.S. RUPAHIHAT
DIST. NAGAON
ASSAM

4: MD. ABU TALEB
S/O LT. JAMAL UDDIN
R/O VILL- ROUMARI
P.S. RUPOHIHAT
DIST. NAGAON
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
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

12.01.2024

Heard T Chutia, learned counsel for the petitioners, 1) Md Karim Ali, 2) Md Ikramul Ali, 3) Md Riajul Islam and 4) Md Abu Taleb.

2. The petitioners have filed this application under Section 439 CrPC, with prayer for bail, as they are behind bars since 17.12.2023, in connection with Sonapur PS Case No. 275/2023, registered under Sections 379/411/34 IPC, read with Section 11 (1) (a) (b) (d) of the Prevention of Cruelty to Animal Act, 1960 and Section 13 (1)/14 of the Assam Cattle Preservation Act, 2021.

3. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam.

4. It is submitted on behalf of the petitioners that they are languishing in jail since 17.12.2023. They were not aware that the cattle was being smuggled through the vehicle. The petitioner No. 1 is the driver, petitioner No. 2 is the handyman and petitioner Nos. 3 and 4 are the helpers of the vehicle bearing Registration No. AS-26C-8927. The vehicle is a truck and was carrying 24 cattle. It cannot be speculated that the cattle were being transported in a cruel manner.

5. The learned Additional Public Prosecutor has raised objection against the bail petition.

6. I have considered the submission that the petitioners have been behind bars since 17.12.2023.
7. The cattle and the vehicle have already been seized in connection with this case.
8. Investigation may have presumably progressed to a considerable extent, by now.
9. The petitioners are local residents and they have pledged to cooperate with the investigation as well as the trial.
10. I have considered the submissions at the Bar with circumspection.
11. I have also considered the length of detention of the petitioners.
12. Considering all aspects, the petitioners are enlarged on bail of Rs. 30,000/- each with a suitable surety each of the like amount to the satisfaction of the Elaka Magistrate, Kamrup (Metro) under the conditions that:-

i) the petitioners shall refrain from such activities with which they are alleged, and

ii) the petitioners shall cooperate with the investigation as well as the trial.

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

13. Bail Application stands disposed of.

JUDGE

Comparing Assistant