

GAHC010015952024



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

Case No. : Bail Appln./266/2024

CHINMOY BORTHAKUR AND 3 ORS.
S/O RATUL BORTHAKUR
VILL- SOFADHORA, SASTRI PATH,
P.S. JORHAT,
DIST. JORHAT, ASSAM

2: RANJAN BORGOHAIN
VILL CHABOKDHORA
PS DERGAON
DIST GOLAGLAT
ASSAM.

3: SRI RITUPARNA SARMAH @ RITUPAN
S/O PRABHAT SARMAH
VILL- KAKODINGS
P.S. DERGAON
DIST. GOLAGHAT
ASSAM

4: NIHAR RANJAN KAKATI
VILL- DOIGRUNG PS- NUMALIGARH DIST- GOLAGHAT
ASSAM

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

01.02.2024

Heard Mr. T. Chutia, learned counsel appearing for the accused petitioners as well as Mr. D. P. Goswami, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **(1) Chinmoy Borthakur (2) Ranjan Borgohain (3) Rituparna Sarmah @ Ritupan and (4) Nihar Ranjan Kakati**, have prayed for grant of bail in connection with **Khetri P.S. Case No.05/2023** under Sections **379/411/34 IPC read with Section 11(a)(d)(e) of Prevention of Cruelty to Animal Act, R/W Section 13(1)/16 of Assam Cattle Preservation Act, 2021.**

The matter relates to recovery and seizure of 10 head of cattle from a Bolero pick up vehicle bearing registration No. AS-01-EL-7336.

I have considered the submissions at the bar with circumspection. It is submitted on behalf of the petitioner that the petitioner No.1 is the owner of the 10 cattle which were being carried in a Bolero pick up vehicle bearing registration No. AS-01-EL-7336. The petitioner No. 2 is the driver of the vehicle, the petitioner No.3 is the owner of the vehicle and petitioner No.4 was accompanying the petitioner No.1 when they were apprehended by the police with allegation of smuggling cattle.

I have considered the submissions at the bar that the petitioners have been behind bars since 17.01.2024 and as the cattle have already been sized along with the vehicle, a major part of the investigation has been covered.

I have also considered the submission that investigation has progressed to a considerable extent. It appears that further custodial detention may not be required for the progress of investigation. The petitioners are the local residents and they assure to co-operate with the remaining part of the investigation as well as the trial. The petitioners have submitted that they will abide by any bail conditions if imposed upon them.

Considering all aspects, the petition is allowed.

Accordingly, it is provided that the accused petitioners, named above, shall be released on bail of **Rs. 30,000/-each** with one surety of like amount to the satisfaction of the **learned Chief Judicial Magistrate, Kamrup(M)** subject to the following conditions-

- i) That the accused/petitioners shall cooperate with the Investigating Officer as and when required;
- ii) That the accused/petitioners shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

Breach of any of the above conditions shall render cancellation of bail in accordance with law.

This disposes of the bail application.

JUDGE

Comparing Assistant