

GAHC010017232024



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

Case No. : Bail Appln./276/2024

ABED ALI
S/O LATE KOLOM SHAH SEIKH
VILL- SATGAON PUKHURIPAR
P.S. SATGAON
DIST. KAMRUP (M), ASSAM
PIN-781027

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. A ROSHID

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

12.02.2024

Heard Mr. A. Roshid, learned counsel for the accused and Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Abed Ali**, who has been languishing in jail hazot, in connection with the **Satgaon P.S. Case No. 07/2024**, under Section 429 of the IPC read with Section 13[i] of the ACP, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by SI Nayanjit Singha, on 05.01.2024. The essence of allegations made in the FIR is that acting on a tip off he has conducted search in the shop belonging to Md. Abed Ali and recovered 24 kg 950 grms of beef along with big knife used in the slaughtering and butchering cattle.

4. Mr. Roshid, learned counsel for the accused submits that the accused was arrested on 06.01.2024, and since then he has been languishing in jail hazot for last 37 days. Mr. Roshid further submits that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Barua, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the IO has collected sufficient incriminating materials against the accused. Mr. Barua further submits that the case is pending for collection of the FSL report, in respect of meat seized from the house of the accused and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the accused was arrested on 06.01.2024, and since then he has been languishing in jail hazot for last 37 days. Further, it appears that the IO has collected some incriminating material in support of the allegation made in the FIR against the accused persons.

8. Having considered above and also considering the period of detention and balancing the same with the nature and gravity of the offence alleged in the

FIR, this Court is of the view that further custodial detention of the accused may not be warranted in the interest of investigation.

9. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- each only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Kamrup [M] at Guwahati**, the accused persons be enlarged on bail.

10. In terms of above, this bail application stands disposed of.

11. The case diary be returned.

JUDGE

Comparing Assistant