GAHC010018712024

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

Case No. : Bail Appln./298/2024

ABDUL AZIZ @ ALEX RAHUL
S/O- SAYAD MOINUDDIN, VILL.- SONAPUR PATHAR, P.S.- SONAPUR, DIST. KAMRUP (M) (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P., ASSAM

Advocate for the Petitioner : MD B ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 05-02-2024

Heard Mr. B. Islam, learned counsel for the petitioner Abdul Aziz @ Alex Rahul.

2. The petitioner has filed this application under Section 439 of the Code of Criminal Procedure, 1973 (CrPC for short) with prayer for bail as he is behind bars since 07.01.2024 in connection with Basistha Police Station Case No.

842/2023 under Section 379 of the Indian Penal Code read with Section 11/(1)(d) of the Prevention of Cruelty to Animals Act, 1960 read with Section 13(1)/16 of Assam Cattle Preservation (Amendment) Act, 2021.

3. Heard Ms. A. Begum, learned Additional Public Prosecutor for the respondent State. The learned Additional Public Prosecutor has raised objection stating that the case diary is necessary to consider the bail petition.

4. It is submitted on behalf of the petitioner that the co-accused have already been enlarged on bail. On the same date, allegedly smuggled cattle and the vehicle have been seized in connection with this case. It is submitted that the petitioner is neither the driver nor the owner of the vehicle or cattle. He is the neighbor of the accused, he was arrested on suspicion.

5. I have considered the submissions at the bar with circumspection. I have considered the submissions that the petitioner is willing to abide by any bail conditions to be imposed upon him. The petitioner is a local resident and he is not a flight risk. I have considered the length of detention. It appears that further custodial detention may not be required.

6. Considering all aspects, petition is allowed.

7. The petitioner is enlarged on bail on furnishing a bail bond of *Rs.30,000/- (Rupees Thirty Thousand)* with a suitable surety of like amount to the satisfaction of the jurisdictional Court under the conditions that:

i) The petitioner shall refrain from such activities with which he is alleged.

ii) The petitioner shall not jump the bail.

iii) The petitioner shall cooperate with the trial as well as with the investigation.

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

In the above terms this Bail Application stands disposed of.

JUDGE

Comparing Assistant