

GAHC010020222024



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

Case No. : Bail Appln./327/2024

ZAKIR HUSSAIN @ JAKIR HUSSAIN
S/O JOYNAL ABEDIN
VILL- nAMBERPARA PART III PS-ABHAYAPURI DIST-
BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM

REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A K AZAD

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 13-02-2024

Heard Mr. A. K. Azad, learned counsel for the accused. Also heard Mr. R. J. Barua, learned Addl. P. P. for the State respondent.

This application, under Section 439 Cr.P. C. is preferred by accused, Zakir Hussain, who has been languishing in jail hajot, in connection with Abhayapuri

P. S. Case No. 14/2024 under Section 420/ 406/ 468 IPC, read with Section 13(1) of Assam Cattle Preservation Act, 2021, for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by one S. I. Pampi Roy, on 04.01.2024.

The essence of allegation, made in the FIR dated 04.01.2024 is that acting on a tip off, the informant and other police staff have intercepted one vehicle bearing registration No. AS 01 EC 6032 and recovered buffalo meat as per bill and tax invoice, produced by the driver, namely, Mostafizur Rahman and Dr. Zakir Hussain and Jiyarul Islam are involved in the said illegal business.

Mr. Azad, learned counsel for the accused submits that the accused is the drive of the vehicle and he was arrested 19.1.2024, and since then, he has been languishing in jail hajot for last 23 days and the accused is ready to face trial and will appear before the learned Court below regularly, and therefore, it is contended to allow this petition.

On the other hand, Mr. Barua, learned Addl. P. P., has submitted that he has not received the case diary, but as per his instruction, the I.O. has completed investigation and submitted charge sheet being charge sheet No. 34/2024 dtd. 9.2.2024, u/s 420/406/468/ IPC read with Section 13(1) of Assam Cattle Preservation Act, 2021.

Having heard the submission of learned Advocates of the both sides, I have gone through the petition and the documents placed on record. Since, charge sheet has already been submitted on completion of investigation, further custodial detention of the accused, seems to be not wanted herein this case and therefore, this Court is inclined to allow this petition. Accordingly, it is provided that on furnishing a bond of Rs.50,000/- with one surety of like amount to the satisfaction of the learned SDJM(M), North Salmara, Bongaigaon,

the accused be enlarged on bail.

JUDGE

Comparing Assistant