

GAHC010022612024



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

Case No. : Bail Appln./346/2024

MD. MIR SHAIDUL
S/O MD. HANIF ALI
R/O KHATONIYAPARA
P.S. DHULA
DIST. DARRANG, ASSAM
PIN-784146
MOBILE. NO. 98640-27090

VERSUS

THE STATE OF ASSAM
REP. BY THE LD. 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. Ahmed, 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, Md. Mir Shaidul, who has been languishing in jail hajot since 11.01.2024, in connection

with Jamuguri P. S. Case No. 10/2024, under Section 379 IPC read with Section 13 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 Dinesh Ch. Deka, Jamuguri P.S. on 10.1.2024.

The essence of allegation, made in the FIR is that on 10.1.2024, at about 4-30 AM, during naka checking, he had intercepted one Truck, bearing registration No. AS 25 EC 8829, and recovered 20 nos of Cattle inside the Truck, being carried without any documents.

Mr. Ahmed, learned counsel for the accused submits that the accused was arrested on 11.1.2024, and since then, he has been languishing in jail hajat for last 34 days. Mr. Ahmed, further submits that the accused is the driver of the vehicle and that one Golap Hussain is the owner of the cattle and same were purchased from Animal and Cattle Grazing Market, Gogamukh and that the accused is ready to cooperate with the investigating agency, and therefore, it is contended to allow this petition.

On the other hand, Mr. Barua, learned Addl. P. P. has produced the case diary before this court and fairly submitted that the investigation of the case is almost over.

Having heard the submission of learned Advocates of both the parties, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Barua, learned Addl. P.P for the State respondent.

The case diary indicates that the I.O. has collected some materials against the accused, but, it also appears that the investigation of the case is progressed sufficiently and that the accused is behind the bar for last 34 days and balancing the period of detention with the nature and gravity of offence, 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 Chief Judicial Magistrate, Tezpur, Sonitpur, the accused be enlarged on bail.

Case diary be returned.

JUDGE

Comparing Assistant