

GAHC010024112024



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

Case No. : Bail Appln./363/2024

MOYNA MIA AND ANR.
S/O LATE SUNAHOR ALI
VILL- SALEHPUR
P.S. AND DIST. KARIMGANJ, ASSAM

2: BADAN MIA
S/O LATE SUNAHOR ALI
VILL- SALEHPUR
P.S. AND DIST. KARIMGANJ
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 08-02-2024

Heard Mr. S. Das, learned counsel for the petitioners Moyna Mia and Badan Mia.

2. The petitioners have filed this application under Section 439 of the Code of Criminal Procedure, 1973 with prayer for bail as the petitioner No. 1 is behind bars since 31.12.2023 and the petitioner No. 2 is behind bars since 11.01.2024 in connection with Karimganj Police Station Case No. 986/2023 under Sections 153A/295A/429 of the Indian Penal Code, read with Section 11(a) of the Prevention of Cruelty to Animals Act, 1960.

3. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondent State. The learned Additional Public Prosecutor has raised objection stating that case diary is necessary to dispose of the petition.

4. The FIR unfolds that the carcass of two oxen was found in the religious Durga Temple at about 1:00 to 3:00 PM on 27.12.2023. The petitioners were apprehended in connection with this case. It is submitted that the petitioners are not responsible for leaving the carcass in the temple.

5. I have considered the submissions at the bar with circumspection. I have considered the submission that further custodial detention for the progress of the investigation may not be required as the petitioners have already been behind bars for one month. Investigation may have presumably progressed to some extent.

6. Considering all aspects, petition is allowed. The petitioners are enlarged on bail on furnishing a bail bond of *Rs.30,000/- (Rupees Thirty Thousand)* each with a suitable surety of like amount to the satisfaction of Eleka Magistrate under the conditions that:

i) The petitioners shall refrain from such activities with which they are alleged.

ii) The petitioners shall not leave the jurisdiction of the Court without prior

permission till completion of the investigation as well as till completion of the trial.

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

In the above terms, this Bail Application stands disposed of.

JUDGE

Comparing Assistant