

GAHC010025832024



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

Case No. : Bail Appln./376/2024

MAHIBUL ISLAM AND 4 ORS.
S/O SAHJAHAN ALI
VILL- ARIJHAR CHAPOR PART-II
P.S. CHAPOR
DIST. DHUBRI, ASSAM

2: SAFIQL ISLAM
S/O SAHJAHAN ALI
VILL- ARIJHAR CHAPOR
P.S. CHAPOR
DIST. DHUBRI
ASSAM

3: NUR ISLAM KHAN
S/O NOWAB KHAN
VILL- KANARA GAON
P.S. BAGHBOR
DIST. BARPETA
ASSAM

4: RAHIM KHAN
S/O SORAHB KHAN
VILL- NO. 1 MANDIA
P.S. BAGHBOR
DIST. BARPETA
ASSAM

5: SARIFUL ISLAM
S/O ARFAN KHAN
VILL- SATRAKANARA
P.S. BAGHBOR
DIST. BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 16.02. 2024

Heard Mr. F. Haque, learned counsel for the accused and also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under Section 439 Cr.P.C. is preferred by five accused, namely, (1) Mahibul Islam, (2) Safiqul Islam, (3) Nur Islam Khan, (4) Rahim Khan and (5) Sariful Islam, who have been languishing in jail hazot since 31.01.2024 in connection with Gossaigaon P.S. Case No.14/2024 under Sections 379/ 411/ 34 IPC read with Section 13(1) of the Assam Cattle Preservation Act, 2021, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of the FIR lodged by one SI (UB) Sanjay Kumar Roy on 31.01.2024. The essence of allegation made in the aforesaid FIR is that acting on a tip off the informant and his staff have intercepted one truck, bearing registration No.

NL-01-AB-1285 at D.K. Road, near Srirampur and found 25 numbers of cattle being carried in the same, without any valid document and during interrogation, the driver and handyman of the vehicle disclosed that one Nur Islam Khan, Rahim Khan and Sariful Islam are the owners of the said cattle, who have instructed them to transport the said cattle, and they have escorted the above truck by an Alto car bearing registration No. AS-01-QC-6467, and they were also apprehended in this case.

4. Mr. Haque, learned counsel for the accused submits that the accused were arrested on 31.01.2024 and since then they have been languishing in jail hajat and that accused No. 1 and 2 are the driver and handymen, respectively, of the vehicle and accused No. 3, 4 and 5 are the owners of the cattle and that, accused No. 5 is also a student of Brahmaputra Valley Junior College, Kanara. The learned counsel for the accused further submits that the accused are ready and willing to cooperate with the Investigating Officer and therefore, it is contended to enlarge them on bail.

5. On the other hand, Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondent has produced the case diary before this Court and submits that the I.O. has achieved substantial progress in the investigation of the case and the three accused persons who brought the seized cattle from West Bengal could not produced any valid document and therefore, Mr. Baruah has raised objection in granting bail to the accused.

6. Having heard the submission of learned Advocates of both sides, I have

gone through the petition and documents, placed on record, and also perused the case diary, with the assistance of Mr. Baruah. The case diary indicates that the I.O. has achieved substantial progress in the investigation, and in the interest of the investigation, further custodial interrogation of the accused seems to be not warranted here in this case. In that view of the matter, it is provided that on furnishing a bond of Rs. 50,000/- each, with one surety of the like amount to the satisfaction of the learned Sub-Divisional Judicial Magistrate (M), Gossaigaon, Kokrajhar, the aforesaid accused persons namely namely, (1) Mahibul Islam, (2) Safiqul Islam, (3) Nur Islam Khan, (4) Rahim Khan and (5) Sariful Islam, be enlarged on bail.

7. Case diary be returned.

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

JUDGE

Comparing Assistant