

GAHC010031042024



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

Case No. : Bail Appln./441/2024

ABUL HUSSAIN AND ANR
S/O- LATE MUSLIM UDDIN @ MUSLIM,
R/O- VILLAGE GERUAATI,
P.O- GERUAATI,
P.S- KHATOWAL,
DIST- NAGAON, ASSAM, PIN-782140.

2: JIYABUR RAHMAN
S/O- NASED ALI @ NUCHED ALI

R/O- VILLAGE BUNDURATI

P.S- KACHUA
DIST- NAGAON
ASSAM
PIN-78242

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : SAMIM NASRIN ULLAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 27.02.2024

Heard Mr. A.A. Dewan, learned counsel for the petitioners. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State.

This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the petitioners, namely, **Abul Hussain & Jiyabur Rahman**, in connection with **Baisistha P.S. Case No. 66/2024**, registered under **Section 120B/379 IPC r/w Section 11(1)(d) of the Prevention of Cruelty to Animal Act and r/w Section 13(1)/16 of the Assam Cattle Preservation Act, 2021.**

It has been submitted by the learned counsel for the petitioners that the petitioners were travelling in a vehicle towards Guwahati. It is also submitted that one truck was found in an abandoned condition from which 50 numbers of cattle were recovered. It is alleged in the FIR that the petitioners were escorted in the said truck from which cattle were recovered. It is further submitted that the petitioners were no way connected with the alleged offence as stated in the FIR. The petitioners have been languishing in jail hazot for the last 28 days. Considering the background of the case as well as period of detention, bail may be granted to the petitioners.

Mr. Goswami, learned Additional Public Prosecutor for the State has produced the case diary. He further submitted that the petitioners stated before the investigating officer that they are dealing with business of smuggling of cattle for the last one and half years. Therefore, he has prayed that the bail may not be considered at this stage.

I have considered the submissions made by the parties. I have also perused the case diary.

It appears that the cattle have already been recovered and seized. Considering the fact as well as the length of detention of the petitioners, this Court is of the view that further custodial interrogation of the accused-petitioners is not necessary in the interest of investigation of the case.

Accordingly, the accused-petitioners, named above, shall be released on bail in connection with **Baisistha P.S. Case No. 66/2024**, registered under **Section 120B/379 IPC r/w Section 11(1)(d) of the Prevention of Cruelty to Animal Act and r/w Section 13(1)/16 of the Assam Cattle Preservation Act, 2021**, on furnishing bail bond of **Rs.20,000/- each with two suitable sureties** each of the like amount to the satisfaction of learned CJM, Kamrup(M), Guwahati.

The direction for bail is further subject to the condition that the accused-petitioners:

- (a) shall not leave the territorial jurisdiction of CJM, Kamrup(M), Guwahati, without prior written permission from him/her;
- (b) shall not hamper with the investigation, or tamper with the evidence of the case;
- (c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

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

Return the case diary.

JUDGE

Comparing Assistant