

GAHC010033702024



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

Case No. : Bail Appln./457/2024

NOOR MOHAMMAD @ NUR MOHAMMAD
S/O JAMAL UDDIN, RESIDENT OF VILLAGE DURABANDHA NO. 4 PS
RUPAHI, DIST NAGAON, ASSAM

2: FARIDUL ISLAM @ FORIDUL ISLAM
S/O HABIBUR RAHMAN
RESIDENT OF VILLAGE BHURBANDHA NO. 4
PO AMBAGAON
PS RUPAHI
DIST NAGAON
ASSAM

3: RIAZ UDDIN @ RIYAJ UDDIN
S/O LATE KAMAR UDDIN @ KOMAR UDDIN
VILLAGE BARAMHABIL
PS SAMAGURI
DIST NAGAON
ASSAM

4: NOOR HUSSAIN @ NURUL HUSSAIN
S/O LATE MUCHALEM UDDIN @ MUSLIM UDDIN
RESIDENT OF VILLAGE AND PO MOWAMARI
PS SAMUGURI
DIST NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : M. HOSSAIN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 04.03. 2024

Heard Mr. MH Laskar, learned counsel for the petitioners and Mr. BB Gogoi, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioners, praying for regular bail, who were arrested on 09.02.2024 in connection with Basistha P.S. Case No. 83/2024 under Sections 120B/ 379 IPC, read with Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960 read with Section 13(1)/16 of the Assam Cattle Preservation (Amendment) Act, 2021.

The learned Addl. PP, Mr. Gogoi has submitted that case diary is not received despite several signal has already been sent to the I.O. to produce the case diary.

Heard both sides.

In this context, Mr. Laskar has submitted that the all the accused/ persons are young persons aged about 20 to 30 years and on the date of incident, they were going to Shillong through their own car and they were apprehended by the police only on suspicion that they were escorting abandoned a vehicle loaded with cattles. Initially, they were in police remand for 7 days and after completion of police remand they were brought before the Court by the I.O. and since then they are in judicial custody. Considering the length of detention, they may be enlarged on bail. However, they are ready and willing to appear before the I.O. as and when required for the purpose of further investigation of the case.

In this Context, Mr. BB Gogoi, the learned Additional Public Prosecutor has submitted that the accused persons were arrested on suspicion and as the case diary is not available so he is not in a position to say other facts of the case. However, he submitted that considering the length of detention, they may be enlarged on bail.

After hearing the submissions of the learned counsel for the parties and considering the materials available on the record including the length of detention, I find that further custodial interrogation of the accused may not be required. Accordingly, I find it to be a fit case to enlarge the petitioners on bail.

In view of the above it is directed that the accused/ petitioners be released on bail on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) each with 1 (one) suitable surety of like amount to the satisfaction of the learned CJM, Kamrup (Metro), Guwahati in connection with the aforementioned case.

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

- (a) shall not leave the territorial jurisdiction of the learned CJM, Kamrup (Metro), Guwahati, without prior written permission from him/ her;
- (b) shall not hamper with the investigation of the case and tamper with the evidence of the case; and
- (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.

JUDGE

Comparing Assistant