

GAHC010034872024



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

Case No. : Bail Appln./483/2024

ASHRAFUL HOQUE AND 3 ORS.
S/O ABDUL MAZID
R/O VILL- KHUDIMARI, GAURIPUR
PART-I, P.S. GAURIPUR, DIST. DHUBRI, ASSAM

2: SAHIDUL RAHMAN
S/O AZGAR ALI
R/O VILL- KHUDIMARI
GAURIPUR PART-I
P.S. GAURIPUR

DIST. DHUBRI
ASSAM

3: LATIFUL HOQUE
S/O ABDUL AZID
R/O VILL- KHUDIMARI
GAURIPUR PART-
P.S. GAURIPUR
DIST. DHUBRI
ASSAM

4: ARIFUL ISLAM
S/O GIRAJUL ISLAM
R/O VILL- JEUMARI
P.S. RUPOHIHAT

DIST. NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M AHMED

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 11-03-2024

Heard Mr. M. Ahmed, learned counsel for the petitioners as well as Mr. MP Goswami, learned APP.

The petitioners, namely, (1) Ashraful Hoque, (2) Sahidul Rahman, (3) Latiful Hoque and (4) Ariful Islam who were arrested on 12.02.2024 in connection with Basistha PS case no.91/2024 under sections 120(B)/379 IPC read with section 11(1)(d) of the Prevention of Cruelty to Animal Acts and sections 13(1)/16 of the Assam Cattle Preservation Act are seeking regular bail by filing this application under section 439 Cr.P.C.

Case diary is received.

The learned counsel for the petitioner submits that the petitioner no.1 is the driver of the XUV bearing no.AS-01-FV-2068 and the petitioner no.2 is the driver of the truck bearing no.AS-17-B-2565 from which the cattle was recovered. It is also submitted that pre-arrest bail was granted to the owner of the truck by this Court and the owner of the XUV was arrested. The petitioner nos.3 and 4 are the helpers in the truck.

The learned counsel for the petitioner further submits that more than 28

days they were in custody and under the facts and circumstances of the case, their further custodial interrogation may not be required in this case.

The learned APP submits that considering the length of detention of the petitioners, prayer for bail may be considered.

Considering the submissions of the learned counsel for the parties as well as the length of detention, the Court is inclined to release the petitioners, named above, on bail on furnishing a bail bond of Rs.20,000/- each (Rupees twenty thousand only) with one suitable surety each of the like amount to the satisfaction of the learned CJM, Kamrup (Metro), Guwahati.

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

- (1) Shall not leave the territorial jurisdiction of learned CJM, Kamrup (Metro), Guwahati without prior written permission from him/ her.
- (2) 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.

Case diary be returned back.

Bail application stands disposed of.

JUDGE

Comparing Assistant