

GAHC010041302024



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

Case No. : Bail Appln./546/2024

ANOWAR HUSSAIN
S/O KHABIR ALI
RESIDENT OF HIRAPARA, PS DHULA, DIST DARRANG, ASSAM

2: ANOWAR HUSSAIN
S/O LATE AHED ALI
RESIDENT OF KHATONIAPARA
PS DHULA
DIST DARRANG
ASSAM

3: INTAJUL HAQUE
S/O LATE MASRAF ALI
RESIDENT OF MANDAKATA
PS BAIHATA CHARIALI DIST KAMRUP ASSAM

4: AZMAL ALI
S/O LATE ATAR ALI
RESIDENT OF BHOKELIMARA
PS MANGALDAI ASSAM 78412

VERSUS

THE STATE OF ASSAM
REP BY PP ASSAM

Advocate for the Petitioner : MR. A K AZAD
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

28.02.2024

Heard Mr. A. K. Azad, learned counsel appearing for the accused petitioners as well as Mr. B. B. Gogoi, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioners, namely, **(i) Anowar Hussain (ii) Anowar Hussain (iii) Intajul Haque and (iv) Azmal Ali**, have prayed for grant of bail in connection with **Basistha P.S. Case No.73/2024** under Sections **120(B)/379 IPC, R/W Section 11(1)(d) of the Prevention of Cruelty to Animals Act, R/W Section 13(1)/16 of the Assam Cattle Preservation Act.**

The matter relates to recovery and seizure of 25 numbers of cattle from a vehicle bearing registration No. AS-26 C 9143.

It is noticed that the accused has been in judicial custody for 22 days since 06.02.2024.

It is submitted by the learned counsel for the petitioner that the petitioner No.3 is the owner of the seized cattle, petitioner No.1 is the driver of the vehicle, petitioner No.2 is the Handymen and the petitioner No.4 is the friend of petitioner No.3. It is submitted by the learned counsel for the petitioner that the petitioner No.3 has purchased those cattle from Baihata Chariali market and has submitted all the relevant documents regarding his purchase. He further has submitted that the petitioners have been detained in custody for last 22 days and their bail prayer may be considered.

Mr. B. B. Gogoi, learned Additional Public Prosecutor has submitted that petitioner No.3 is the owner of the cattle and he has submitted all the relevant documents regarding his ownership. From the FIR it reveals that the petitioner No.1 is the driver and petitioner No.2 is the handymen from whom the cattle

were recovered.

I have heard the learned counsel for both the parties. From perusal of the documents annexed with the petition it appears that as the petitioner No.3 is the owner of the cattle and has supplied all the relevant documents, this Court is of the view that further custodial interrogation of the accused-petitioners are not necessary in the interest of investigation of the case.

Accordingly, the petitioners, named above, shall be released on bail, on furnishing bail bond of **Rs.10,000/- each** with **one suitable surety each** of the like amount, to the satisfaction of learned Chief Judicial Magistrate, Kamrup(M).

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

- (a) shall not leave the territorial jurisdiction of learned CJM, Kamrup(M), Assam 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.

JUDGE

Comparing Assistant