

GAHC010043902024



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

Case No. : Bail Appln./587/2024

ASHRAFUL SK
S/O AMZAD ALI SK,
R.O - ASHARIKANDI, P.S - GAURIPUR, DIST- DHUBRI, ASSAM

2: SAHIDUR RAHMAN @ SOHIDUR RAHMAN
S/O SABER ALI SK

RESIDENT OF VILLAGE DEBOTTAR HASDAH PART 6 PS GAURIPUR
DIST DHUBRI
ASSAM

3: AMINUR HUSSAIN
S/O ANNESH ALI
R.O - POKALAGI
P.S - AGOMONI
DIST - DHUBRI
ASSAM. 78333

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR. A Z AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 07.03.2024

Heard Mr. A.Z. Ahmed, learned counsel for the petitioners and Mr. BB Gogi, learned Addl. Public Prosecutor for the State respondent.

2. By filling this bail application under Section 439 Cr.P.C., the petitioners have prayed for release on bail, who were arrested on 22.02.2024 in connection with Gossaigaon P.S. Case No. 34/2024 registered under Sections 379/ 411/34 IPC read with Section 13(1) of the Assam Cattle Preservation Act.

3. Case diary is received and perused.

4. Heard both sides.

5. It is submitted by Mr. Ahmed, the learned counsel for the petitioners that false and concocted allegations are being brought against the present petitioners and the petitioners are behind the bar since 22.02.2024 and nothing has been seized from the vehicle which was intercepted by the police with some false and concocted allegation of loading of stolen cattles, the accused were arrested in connection with the case aforementioned. They are innocent and they are not at all involved with the alleged offence. However, they are ready and willing to cooperate with the investigation, if they are enlarged on bail.

6. In this context, Mr. Gogoi, the learned Addl. PP has submitted that the petitioners have not submitted documents, money receipts of purchase of cattles etc. to be I.O. till date and as per note of the I.O., the cattles were seized, suspected to be stolen cattles for smuggling from west Bengal to Assam. Accordingly, it submitted by the learned Addl. PP that their custodial interrogation/ detention is necessary to unearth the other facts of the case and to nab the other accused persons. He further submits that there are sufficient incriminating materials against the petitioners, hence, prayer for bail may not be

considered at this stage.

7. After hearing the learned counsel for the parties and on perusing the materials available on record that the cattles were suspected to be transported from West Bengal to Assam for smuggling by the petitioners who are nabbed in connection with this case. Considering the aspects of the matter, and from materials in the case diary, I find that to nab the other accused, their custodial detention may be required and also for the interest of proper investigation of the case. Accordingly the prayer for bail stands rejected.

8. With the above observations and direction, the bail application stands dismissed.

9. Return the case diary.

JUDGE

Comparing Assistant