

GAHC010046592024



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

Case No. : Bail Appln./657/2024

GULZAR @ MD. GULZAR HUSSAIN
S/O- HASEN ALI, R/O- NO. 2 BORGHULI, P.S. ULUANI, DIST.- NAGAON,
ASSAM

2: ASPIKUL ISLAM
S/O- MD. UCHMAN ALI
R/O- NO. 2 BORGHULI
P.S. ULUANI
DIST.- NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P., ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 14.03.2024

Heard Mr. S.M. Abdullah P, learned counsel for the petitioners. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor appearing for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the petitioners, namely, **Gulzar @ Md. Gulzar and Aspikul Islam**, in connection with **Khetri P.S. Case No. 16/2024**, registered under **Section 379/411/34 IPC r/w Section 11(1)(a)(d)(e) of Prevention of Cruelty to Animal Act, 1960 and r/w Section 13(1)/16 of Assam Cattle Preservation Act, 2021.**

The learned counsel for the petitioners submits that the petitioners are the employees of Taiz Uddin who is the owner of the seized vehicle bearing Regd. No. AS-01-RC-1521, from which 15 numbers of cattle were recovered. According to learned counsel for the petitioners, the said cattle were purchased from Rajmai weekly cattle market under Sibsagar Zilla Parishad. In support of the fact, some receipts have been submitted issued by Rajmai weekly cattle market under Sibsagar Zilla Parishad. The petitioners have been detained in custody since 20.02.2024. Considering the period of detention as well as the background of the case, the petitioners may be enlarged on bail.

On the other hand, Mr. Goswami, learned Additional Public Prosecutor for the State has stated that after receipt of the case diary, bail may be granted to the petitioners.

I have considered the submissions made by the parties.

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 for the purpose of investigation of the case.

Accordingly, the accused-petitioners, named above, shall be released on bail in connection with **Khetri P.S. Case No. 16/2024**, registered under **Section 379/411/34 IPC r/w Section 11(1)(a)(d)(e) of Prevention of Cruelty to Animal Act, 1960 and r/w Section 13(1)/16 of Assam Cattle**

Preservation Act, 2021, on furnishing bail bond of **Rs.20,000/- each with a suitable surety each** of the like amount to the satisfaction of learned Addl. CJM, Kamrup(M), Assam.

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

- (a) shall not leave the territorial jurisdiction of learned Addl. CJM, Kamrup(M), Assam, without prior written permission from him/her;
- (b) 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 them 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