

GAHC010050292024



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

Case No. : Bail Appln./716/2024

MD. KALAM ALI AND ANR
S/O HASEN ALI ALI, VILL- HIRAPARA, P.S.-DHULA, DIST-DARRANG,
ASSAM

2: MD SAGIRUL ALOM
S/O KARIMULLAH HOQUE
VILL- MUSLIM GHOPA
P.S.-SIPAJHAR
DIST-DARRANG
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 12.03.2024

Heard Mr. A. Nath, learned counsel for the petitioners. Also heard Mr. B.B. Gogoi, 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, **Md. Kalam Ali and Md. Sagirul Alom**, in connection with **Sootea P.S. Case No. 10/2024**, registered under **Section 379/411/279/427 IPC r/w Section 13(1) of Assam Cattle Preservation Act, 2021 and r/w Section 11(1)(d) of Prevention of Cruelty to Animal Act, 1960**.

The learned counsel for the petitioners submits that the petitioners are the driver and handyman of the vehicle bearing Regd. No. AS-01-RC-3503 from which 10 numbers of cattle were recovered. According to learned counsel for the petitioner, the said cattle were purchased by one Azizur Rahman Hazarika from Silapathar Cattle Market, Dhemaji. In support of the fact, some receipts have been submitted and also produced one receipt issued by Dhemaji District Regulated Market Controlling Complex Traders Association. The petitioners have been detained in custody for the last 33 days. 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. Gogoi, learned Additional Public Prosecutor for the State has stated that considering the period of detention, the 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 **Sootea P.S. Case No. 10/2024**, registered under **Section 379/411/279/427 IPC r/w Section 13(1) of Assam Cattle**

Preservation Act, 2021 and r/w Section 11(1)(d) of Prevention of Cruelty to Animal Act, 1960, on furnishing bail bond of **Rs.20,000/- each with a suitable surety each** of the like amount to the satisfaction of learned CJM, Biswanath, Assam.

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

- (a) shall not leave the territorial jurisdiction of learned CJM, Biswanath, 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