

GAHC010052532024



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

Case No. : Bail Appln./743/2024

MOKBUL HUSSAIN AND ANR.
S/O LATE ISMAIL ALI
R/O VILL- MAGURMARI, P.S. RUPAHI
DIST. NAGAON, ASSAM

2: ABDUL MOTIN
S/O ABDUL SELAM
R/O VILL- KUHUMTULI
P.S. SAMAGURI
DIST. NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR BHARGAV DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 20-03-2024

Heard Mr. A. Baruah, learned counsel for the accused/petitioners. Also

heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State/respondent.

2. This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioners, namely, **(i) Mokbul Hussain** and **(ii) Abdul Motin**, in connection with **Basistha P.S. Case No. 91/2024**, registered under **Sections 120B/379 of IPC r/w Section 11(1) of the Prevention of Cruelty to Animal Act, 1960** and **read with Section 13(1)/16 of Assam Cattle Preservation Act.**

3. It has been submitted by the learned counsel for the accused/petitioners that the names of accused/petitioners have not been mentioned in the FIR and they were no way connected with the alleged offence. On the basis of the statement of one Zilani, who was arrested in connection with this case, the present two accused/petitioners have been detained in custody for last 1 (one) month. Considering the period of detention as well as the background of the case, the accused/petitioner may be enlarged on bail.

4. Learned Additional Public Prosecutor also has submitted that considering the length of detention, bail may be granted to the accused/petitioners.

5. I have considered the submissions of the learned counsel for the parties.

6. Considering the nature of offence as well as length of detention of the accused/petitioners, this Court is of the view that further custodial interrogation of the accused/petitioners is not necessary. Hence, the prayer for bail is allowed.

7. Accordingly, the accused/petitioners, named above, shall be released on bail in connection with **Basistha P.S. Case No. 91/2024**, registered under **Sections 120B/379 of IPC r/w Section 11(1) of the Prevention of Cruelty to Animal Act, 1960** and **read with Section 13(1)/16 of Assam**

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

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

(a) shall not leave the territorial jurisdiction of learned CJM, Kamrup (M), 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 him from disclosing such facts to the Court or to any police officer.

9. In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant