

GAHC010054052024



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

Case No. : Bail Appln./747/2024

FAKIR ALI AND 2 ORS.
SON OF USMAN ALI, RESIDENT OF VILLAGE CHAPAI, P.O DALGAON, P.S
DHULA, DISTRICT DARRANG ASSAM

2: DANESH CHOUDHURY
SON OF LATE SIRAJ CHOUDHURY
RESIDENT OF GOG
P.S. BAIHATA CHARIALI
DIST. KAMRUP
ASSAM

3: RAFIQUL ISLAM
SON OF MOHIR UDDIN
R/O UTTAR MOINBORI
PS KALGACHIA
DIST BARPETA
ASSAM
PIN 78131

VERSUS

THE STATE OF ASSAM
REP BY THE LD. PP, ASSAM

Advocate for the Petitioner : MR A K AHMED

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 21-03-2024

Heard Mr. A.K. Ahmed, learned counsel for the accused/petitioners and Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State.

2. This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused/petitioners, namely, (i) **Md. Fakir Ali**, (ii) **Danesh Choudhury and (iii) Rafiqul Islam**, in connection with **Basistha P.S. Case No. 144/2024**, registered under **Sections 379/34, IPC read with Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960 read with Section 13(1)/16 of the Assam Cattle Preservation Act, 2021.**

3. It is submitted by the learned counsel for the petitioner that petitioner no. 2 is the owner of the cattle who purchased the said cattle from Balikuchi Weekly Animal Market. The petitioner no. 1 is the driver and the petitioner no. 3 is the handyman of the said vehicle from which 26 numbers of cattle were recovered. In support of the fact the petitioner no. 2 submitted purchase receipts. It is also submitted that the petitioners are in custody since 07.03.2024 and as the cattle has already been recovered, nothing remained for investigation of the case. Considering the above, the petitioners may be enlarged on bail.

4. Learned Additional Public Prosecutor has produced the case diary and has submitted that the receipts collected during investigation shows that the petitioner no. 2 purchased the said cattle from the animal market.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the relevant documents available in the record.

6. In view of the above and considering the length of detention of the accused/petitioners, this Court is of the view that further custodial detention of the accused/petitioners is not necessary for the purpose of investigation of the case.
7. Accordingly, the accused/petitioners, named above, shall be released on bail in connection with **Basistha P.S. Case No. 144/2024**, registered under **Sections 379/34, IPC read with Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960 read with Section 13(1)/16 of the 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 CJM, Kamrup (M).
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.
10. Send back the case diary.

JUDGE

Comparing Assistant