

GAHC010055032024



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

Case No. : Bail Appln./783/2024

SABAN ALI AND 4 ORS.
S/O HUSSAIN ALI
R/O VILL- BAGHBOR
P.O. AND P.S. BAGHBOR
DIST. BARPETA, ASSAM

2: NASIR UDDIN @ NASIR ALI
S/O NABARUDDIN A@ NABUR UDDIN
R/O VILL- BAGHBOR
P.O. AND P.S. BAGHBOR

DIST. BARPETA
ASSAM

3: KABIR ALI
S/O KACHE ALI @ KASHEM ALI
R/O VILL- BAGHBOR
P.O. AND P.S. BAGHBOR

DIST. BARPETA
ASSAM

4: NAZRUL ISLAM @ NURUL ISLAM @ NAJRUL ISLAM
S/O AMAR ALI @ OMAR ALI
R/O VILL- BAGHBOR
P.O. AND P.S. BAGHBOR

DIST. BARPETA
ASSAM

5: ARIF UDDIN
S/O SUDDU PARAMANIK @ SHADU PARAMANIK
R/O VILL- BAGHBOR
P.O. AND P.S. BAGHBOR

DIST. BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 28.03.2024

Heard Mr. N.J. Dutta, learned counsel for the petitioners. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor appearing for the State.

This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the petitioners, namely, **(i) Saban Ali (ii) Nasir Uddin @ Nasir Ali (iii) Kabir Ali (iv) Nazrul Islam @ Nurul Islam @ Najrul Islam (v) Arif Uddin**, in connection with **Basistha P.S. Case No. 137/2024**, registered under **Section 120B/379 IPC r/w Section 11/(1)(d) of Prevention of Cruelty to Animal Act, 1960 and r/w Section 13(1)/16 of Assam Cattle Preservation Act.**

The learned counsel for the petitioners submits that as per FIR, the allegation against the present petitioners is that they escorted a vehicle from which some cattle were recovered which was suspected to be stolen cattle. It is further submitted that the petitioners had been carrying the said cattle which

were purchased from Banglagarh cattle market by another person. Nothing has been recovered from the possession of the present petitioners. The petitioners have been languishing in jail since 04.03.2024. 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. Gogoi, learned Additional Public Prosecutor for the State has vehemently opposed in granting bail to the petitioners. He further submits that case diary has been received from which it appears that the petitioners are the master mind for trafficking such cattle from one State to another State. Therefore, he has prayed that at this stage, bail may not be considered to the petitioners.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

It appears that no any cattle was recovered from the possession of the present petitioners. They were not travelling in the said vehicle from which the cattle were recovered. The petitioners were in another vehicle bearing Regd. No. AS-01-DQ-7877.

Considering the background of the case 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 **Basistha P.S. Case No. 137/2024**, registered under **Section 120B/379 IPC r/w Section 11/(1)(d) of Prevention of Cruelty to Animal Act, 1960 and r/w Section 13(1)/16 of Assam Cattle Preservation Act**, 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), Guwahati, 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, Kamrup(M), Guwahati, 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.

Send back the case diary.

JUDGE

Comparing Assistant