

GAHC010060082024



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

Case No. : Bail Appln./876/2024

ATIQUL ISLAM
S/O MD. ABDUL MATIN
RESIDENT OF VILL FARMARPAR, P.O. OFFICE AND POLICE STATION,
LANKA
DIST. HOJAI, ASSAM, PIN-782446

VERSUS

THE STATE OF ASSAM
TO BE REP BY THE PP, ASSAM

Advocate for the Petitioner : ALHAJJ I UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

27.03.2024

Heard Mr. Alhaji I Uddin, learned counsel appearing for the accused petitioner as well as Mr. B. B. Gogoi, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Atiqul Islam**, has prayed for grant of bail in connection with **Hamren P.S. Case**

No.03/2024 under Sections **428 IPC, R/W Section 13 of the Assam Cattle Preservation Act read with Section 11(1)(a)(d)(e)(h) of the Cruelty to Animal Act.**

The matter relates to recovery and seizure of 10 numbers of bulls from a vehicle bearing registration No. AS-02-DC-1999.

It is noticed that the accused has been in judicial custody for 31 days since 25.02.2024.

It is submitted by the learned counsel for the petitioner that the petitioner is not the driver or the owner of the Bolero pick up van from where the bulls were recovered. The petitioner was in another vehicle which is behind the bolero pick up van. He is no way connected with the alleged offence. It is also submitted by the learned counsel for the petitioner that the petitioner is behind the bar for last 31 days and considering the period of detention, bail prayer may be considered.

Mr. B. B. Gogoi, learned Additional Public Prosecutor has submitted that considering the length of detention bail prayer may be considered.

In view of the submission of learned counsel for both the parties and considering the length of detention, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.30,000/-** with **one suitable surety** of the like amount, to the satisfaction of learned **Chief Judicial Magistrate, West Karbi Anglong, Hamren.**

The direction for bail is further subject to the conditions that the petitioner:

(a) shall not leave the territorial jurisdiction of learned CJM, West Karbi Anglong, Hamren(M), Assam without prior written permission from him/her;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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.

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

JUDGE

Comparing Assistant