

GAHC010060432024



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

Case No. : Bail Appln./878/2024

MD. BABU ALI AND 2 ORS.
S/O LT. LAL MIYA
VILL- PADUMPUKHURI
P.O. AND P.S. ROUTA
DIST. UDALGURI, ASSAM
PIN-784508

2: MD. RAFIKUL ISLAM
S/O LT. ABDUL JABBAR
R/O VILL- BESIMARI
P.O. AND P.S. DALGAON
DIST. DARRANG
ASSAM
PIN-784116

3: MD. JIYARUL RAHMAN
S/OLT. ABDUL JABBAR
R/O VILL- BESIMARI
P.O. AND P.S. DALGAON
DIST. DARRANG
ASSAM
PIN-78411

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B RAHMAN
Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

27.03.2024

Heard Mr. B. Rahman, learned counsel appearing for the accused petitioners 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-petitioners, namely, **(i) Md. Babu Ali (ii) Md. Rafikul Islam and (iii) Md. Jiyarul Rahman**, have prayed for grant of bail in connection with **Rangapara P.S. Case No.09/2024 (GR Case No. 457/2024)** under Sections **11(1)(a)(e) of the Prevention of Cruelty to Animal Act, R/W Section 13(1) of the Assam cattle Preservation Act.**

The matter relates to recovery and seizure of 19 numbers of Cattle from a vehicle bearing registration No. AS-25-CC/6322.

It is noticed that the accused has been in judicial custody for 22 days since 05.03.2024.

It is submitted by the learned counsel for the petitioner that the petitioner No.1 and 2 are the owner of the cattle which they were transported in a vehicle bearing registration No. AS-25-CC/6322 and in support of the fact they also produced the relevant documents of purchasing receipt from Bongalmora Weekly Bazar and the petitioner No.3 is the driver of the said vehicle. It is also submitted by the learned counsel for the petitioner that the accused petitioners are detained in custody for last 22 days and considering their period of detention, bail may be granted.

Mr. B. B. Gogoi, learned Additional Public Prosecutor has submitted that the

accused petitioners have produced the relevant documents of their purchasing and 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-petitioners are not necessary in the interest of investigation of the case.

Accordingly, the petitioners, named above, shall be released on bail, on furnishing bail bond of **Rs.30,000/- each** with **one suitable surety each** of the like amount, to the satisfaction of learned **Chief Judicial Magistrate, Sonitpur, Tezpur, Assam.**

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

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