

GAHC010069252024



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

Case No. : Bail Appln./1016/2024

SULTAN ALI AND 2 ORS.
S/O AKBAR ALI
R/O KOPATIGAON, P.S. DALGAON
DIST. DARRANG, ASSAM

2: AJIBUR RAHMAN
S/O JAHUR ALI
R/O DOIPAM
P.S. DALGAON
DIST. DARRANG
ASSAM

3: NABI HUSSAIN
S/O ABU TALEB
R/O MAUCHITA GASOR GOR
P.S. DHULA
DIST. DARRANG
ASSAM
MOBILE NO. 9864027090
PIN-78414

VERSUS

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

Advocate for the Petitioner : MR A K AHMED

Advocate for the Respondent :

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 08.04.2024

Heard Mr. AK Ahmed, learned counsel for the petitioners and Mr. PD Goswami, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioners namely, Sultan Ali, Ajibjur Rahman and Nabi Hussain, praying for bail, who were arrested on 21.03.2024 in connection with Basistha P.S. Case No. 173/2024 under Sections 120B/ 379 of IPC read with Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960, read with Sections 13(1)/16 of the Assam Cattle Preservation Act, 2021.

Heard both sides.

It is submitted by the learned counsel for the petitioners that the petitioner No. 1 is the owner of alto vehicle bearing registration No. AS-12 AD 5085 and petitioner No. 2 is his friend. The allegation made against the petitioner No. 1 is that he has escorted a truck bearing registration No. AS-O1 JC 9963 from which, 14 numbers of cattle were recovered. The petitioner No. 3 is the driver of the truck. The petitioners were in custody since last 20 days and seized cattle have already been recovered. The petitioners may be enlarged on bail.

The learned Additional Public Prosecutor has submitted that the charge sheet has not yet been submitted and the accused/ petitioners may be enlarged on bail considering the period of detention.

In view of the above, considering the materials available on the record including the length of detention I find that further custodial interrogation of the

accused/petitioners may not be required. It is directed that the accused/petitioners be released on bail on furnishing a bond of Rs. 20,000/- each with a suitable surety each of like amount to the satisfaction of the learned CJM, Kamrup (Metro), Guwahati in connection with the aforementioned case.

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

- (a) shall not hamper with the investigation and tamper with the evidence of the case; and
- (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.

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

JUDGE

Comparing Assistant