

GAHC010075302024



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

Case No. : Bail Appln./1063/2024

AZIMUDDIN AND ANR.
S/O MD. TAHER UDDIN
R/O VILL- 2 NO. BORGHULI, P.S. ULUWANI
DIST. NAGAON, ASSAM

2: MD. FORHAD ALI @ FARHAD ALI
C/O JOIN UDDIN
VILL- 2 NO. BORGHULI

P.S. ULUANI
DIST. NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : M. HOSSAIN
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

01.05.2024

Heard Mr. M. Hossain, learned counsel appearing for the accused petitioners as well as Mr. R. J. Baruah, learned Addl. P.P., Assam appearing for the State

respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioners, namely, **Azimuddin and Md. Forhad Ali @ Farhad Ali**, has prayed for grant of bail in connection with **Khetri P.S. Case No.47/2024** under Sections **379/411/34 of IPC read with Section 13(1)/16 of Assam Cattle Preservation (Amendment) Act, R/W Sec 11(1)(a)(d)(e) of Prevention of cruelty to Animals Act, 1960.**

The matter relates to recovery and seizure of ten numbers of cattle from a vehicle bearing registration No. As 12 CC 2844.

It is submitted by the learned counsel for the petitioners that the petitioners are the driver and handyman of the vehicle bearing No. As 12 CC 2844 from which ten numbers of cattle were recovered. It is further submitted by the learned counsel for the petitioner that bail was granted to the owner of the vehicle. It is also submitted that the petitioners have been detained in judicial custody for last 27 days since their arrest on 04.04.2024. Learned counsel therefore has prayed that considering the length of detention, bail prayer of the petitioner may be considered.

Mr. R. J. Baruah, learned Additional Public Prosecutor has produced the case diary and submits that both the petitioners are the driver and handyman of the vehicle from which ten numbers of cattle were recovered but they failed to produce any document regarding carrying of such cattle in the vehicle. Considering the length of detention, bail 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 is 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, Kamrup (M), Guwahati**.

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

- (a) shall not leave the territorial jurisdiction of learned Chief Judicial Magistrate, Kamrup, Guwahati 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