

GAHC010076822024



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

Case No. : Bail Appln./1123/2024

MD. JIYARUL HOQUE @ JIYARUL HOQUE
S/O HOBIBOR RAHMAN @ HABIBAR RAHMAN,
VILL- KABAITARY PT.V,
P.O. JOGIGHOPA
P.S. JOGIGHOPA
DIST. BONGAIGAON, ASSAM
PIN-783388

VERSUS

THE STATE OF ASSAM
REP BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR. M R KHANDAKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 25.04.2024

Heard Mr. M.R. Khandakar, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor appearing for the State.

2. This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the petitioner, namely, **Md. Jiyarul Hoque @ Jiyarul Hoque**, in connection with **Kajalgaon P.S Case No. 36/2024 (corresponding to GR No 68/2024)**, registered under Section **380/411 IPC r/w Section 13(1) of Assam Cattle Preservation Act, 2024**.

3. The learned counsel for the petitioner submits that the petitioner is no way involved in the present case and his name has also not mentioned in the FIR. The stolen cattle were recovered from the possession of one Jamal Badsha. It is also submitted that the petitioner has been detained in custody since 31.03.2024. Considering the background of the case as well as nature of offence, the petitioner may be enlarged on bail.

4. On the other hand, Mr. Goswami, learned Additional Public Prosecutor for the State has submitted that he has no objection if the bail is granted to the petitioner.

5. I have considered the submissions made by the learned counsel for the parties.

6. It appears from the record that the cattle were recovered from one Jamal Badsha. Under such backdrop and considering the nature of offence as well as length of detention of the petitioner, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary for the purpose of investigation of the case.

8. Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Kajalgaon P.S Case No. 36/2024 (corresponding to GR No 68/2024)**, registered under Section **380/411 IPC r/w Section**

13(1) of Assam Cattle Preservation Act, 2024, on furnishing bail bond of **Rs.20,000/- with one suitable surety** of the like amount to the satisfaction of learned CJM, Chirang, Assam.

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

(a) shall not leave the territorial jurisdiction of learned CJM, Chirang 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.

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

JUDGE

Comparing Assistant