

GAHC010080022024



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

Case No. : Bail Appln./1145/2024

ABBASH ALI SK ALIAS ABBAZ ALI SK AND ANR
S/O- JULIL ALI SK, RESIDENT OF VILL- JAOLIAPARA, UNDER P.S. AND
DIST.- KOKRAJHAR, BTC, ASSAM

2: ABI ALAM ALI
S/O- LATE SOBUR ALI
RESIDENT OF VILL- PASCHIM JAOLIAPARA
UNDER P.S. AND DIST.- KOKRAJHAR
BTC
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. I A TALUKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 22.04.2024

Heard Mr. B. Hussain, learned counsel for the petitioners and Mr. DP Goswami, learned
Addl. PP for the State respondent.

This is an application under Section 439 Cr.P.C., seeking bail by the petitioners namely (1)

Abbash Ali Sk and (2) Abi Alam Ali in connection with Kokrajhar P.S. Case No. 61/2024 under Sections 279/379/ 411/ 413 IPC read with Section 13(1) of the Assam Cattle Preservation Act, 2021 read with Section 11(1) of the Prevention of Cruelty to Animals Act 1960.

It is submitted by the learned counsel for the petitioners that the petitioner No. 1 is the driver of Bolero Pick Up Van bearing registration No. AS-16/AC-0408 and the petitioner No. 2 is the handyman of the said vehicle. The petitioners are detained in custody for last 33 days since the date of their arrest on 20.03.2024. The cattle have already been recovered which are not the stolen property. Considering the length of detention, prayer for bail may be considered.

The learned Additional Public Prosecutor has fairly submitted that the considering the period of detention, the petitioners may be enlarged on bail.

Considering the period of detention, this Court is inclined to grant bail to the petitioners. 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 Chief Judicial Magistrate, Kokrajhar in connection with the aforementioned case.

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

- (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