

GAHC010080422024



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

Case No. : Bail Appln./1136/2024

A. MANNAN SHEIKH @ MD. MANNAN SK.
S/O MD. EMAN ALI SHEIKH
R/O VILL- ANANDAPUR, P.O. GRAHAMPUR, P.S. GOSSAIGAON
DIST. KOKRAJHAR, BTR, ASSAM, PIN-783333

VERSUS

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

Advocate for the Petitioner : MR. A A R KARIM
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

19.04.2024

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

This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the petitioners, namely, **A. Mannan Sheikh @ Md. Mannan Sk, in connection with Gossaigaon P.S. Case No. 45/2024**, registered under **Section 379/411/34 IPC r/w Section 13(1)/14 of Assam Cattle Preservation**

Act (corresponding to GR 48/2024).

The learned counsel for the petitioner submits that the allegation against the petitioner that he guided one vehicle bearing Regd. No. AS-26-AC-0184 from which some cattle were recovered. It is also submitted that the driver and the handyman of the said vehicle had fled away from the place of incident. There was no direct evidence against the petitioner to the transportation of the cattle. It is further submitted that nothing has been recovered from the possession of the present petitioner. The petitioner has been languishing in jail hazot since 09.03.2024. Considering the period of detention as well as the background of the case, the petitioner may be enlarged on bail.

On the other hand, Mr. Goswami, learned Additional Public Prosecutor for the State has vehemently opposed in granting bail to the petitioner. He further submits that case diary has been received from which it appears that the petitioner is the master mind for trafficking such cattle from one place to another. Therefore, he has prayed that at this stage, bail may not be considered to the petitioner.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

It appears that no any cattle was recovered from the possession of the present petitioner. He was not travelling in the said vehicle from which the cattle were recovered. The petitioner was in another vehicle bearing Regd. No. AS01-FM-6628.

Considering the background of the case as well as the 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.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Gossaigaon P.S. Case No. 45/2024**, registered under **Section 379/411/34 IPC r/w Section 13(1)/14 of Assam Cattle Preservation Act**, on furnishing bail bond of **Rs.40,000/- with a suitable surety** of the like amount to the satisfaction of learned SDJM, Gossaigaon, Kokrajhar, Assam.

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

- (a) shall not leave the territorial jurisdiction of learned SDJM, Gossaigaon, Kokrajhar, 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.

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

Send back the case diary.

JUDGE

Comparing Assistant