

GAHC010081632024



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

Case No. : Bail Appln./1185/2024

MD. HAFIJUR RAHMAN AND 2 ORS.
S/O HASMOT ALI
R/O VILL- GERUWA CHALCHALI P.S. RUPAHI
DIST. NAGAON, ASSAM

2: MD. ASHIQUL ISLAM
S/O MD. SAFIQUL ISLAM
R/O VILL- GERUWATI
P.S. KHATOWAL
DIST. NAGAON
ASSAM

3: MD. RUBUL AMIN
S/O MD. ABDUL HAKIM
R/O VILL- GERUWATI
P.S. KHATOWAL
DIST. NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 25.04.2024

Heard Mr. T. Chutia, learned counsel for the petitioners and Mr. D.P. Goswami, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioners, namely (1) Md. Hafijur Rahman, (2) Md. Ashiqul Islam and (3) Md. Rubul Amin, praying for bail who were arrested on 22.03.2024 in connection with Khetri P.S. Case No. 41/2024 under Sections 379/ 411/ 34 IPC read with Section 11(1)(a)(d)(e) of the Prevention of Cruelty to Animal Act read with Sections 13(1)/16 of the Assam Cattle Preservation Act.

It is submitted by the learned counsel for the petitioners that the petitioner No. 1 is the driver of the vehicle bearing registration No. AS-17B-2529 from which 38 numbers of cattle were recovered. It is further submitted by the learned counsel for the petitioners that the petitioner Nos. 2 and 3 are the helpers of the petitioner No. 1 and the petitioners have been detained in custody for last 34 days since the date of their arrest on 22.03.2024. Considering the period of detention they may be enlarged on bail.

On the other hand, the learned Addl. PP has submitted that considering the period of detention, the petitioners may be released on bail.

Considering the length of detention, prayer for bail is allowed. It is directed that the accused/ petitioners shall be released on bail on furnishing a bond of Rs. 20,000/- each with one suitable surety each of like amount to the satisfaction of the learned CJM, Kamrup (M), Guwahati in connection with the aforementioned case.

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

- (1) shall not hamper with the investigation and tamper with the evidence of the case; and
- (2) 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