

GAHC010084602024



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

Case No. : Bail Appln./1253/2024

SAIFUL ALI AND ANR.
S/O MAKUM ALI
R/O BHOIRAGHOLP.S. MUKALMUA
DIST. NALBARI, ASSAM

2: RUBUL ALI
S/O MABHUKAR RAHMAN
R/O BAMUNBORI
P.S.MUKALMUA
DIST. NALBARI
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 : 08.05.2024

Heard Mr. T. Chutia, learned counsel for the petitioners. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor appearing for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the petitioners, namely, **Saiful Ali and Rubul Ali**, in connection with **Basistha P.S. Case No. 221/2024**, registered under **Section 379 IPC r/w Section 11(1)(d) of Prevention of Cruelty to Animal Act, 1960 and r/w Section 13(1)/16 of Assam Cattle Preservation Act, 2021.**

The learned counsel for the petitioners submits that the petitioners are the driver and handyman of a vehicle bearing Regd. No. AS-26C-1385 from which 18 numbers of cattle were recovered. It is also submitted that on earlier occasion, this Court granted bail to the owner of the cattle as well as owner of the alleged vehicle. The petitioners have been detained in custody since 04.04.2024. Considering the period of detention as well as the background of the case, the petitioners may be enlarged on bail.

On the other hand, Mr. Baruah, learned Additional Public Prosecutor for the State has submitted that case diary has not been received. He further submits that at this stage bail may not be considered to the petitioners.

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

It appears from the forwarding report that the petitioner No. 1 is the driver and the petitioner No. 2 is the helper of the alleged vehicle bearing Regd. No. AS-26-AC-1385 from which the cattle were recovered. Considering the fact as well as the length of detention of the petitioners, this Court is of the view that further custodial interrogation of the accused-petitioners is not necessary for the purpose of investigation of the case.

Accordingly, the accused-petitioners, named above, shall be released on bail in connection with **Basistha P.S. Case No. 221/2024**, registered under **Section 379 IPC r/w Section 11(1)(d) of Prevention of Cruelty to**

Animal Act, 1960 and r/w Section 13(1)/16 of Assam Cattle Preservation Act, 2021, on furnishing bail bond of **Rs.20,000/- each with a suitable surety each** of the like amount to the satisfaction of learned CJM, Kamrup(M), Guwahati, Assam.

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

- (a) shall not leave the territorial jurisdiction of learned CJM, Kamrup(M), 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.

JUDGE

Comparing Assistant