

GAHC010089912024



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

Case No. : Bail Appln./1311/2024

MAINUDDIN ALI AND ANR.
S/O ANOWAR ALI, DAMPUR,
P.S. HAJO,
DIST. KAMRUP, ASSAM

2: SAMSUL HOQUE
S/O SEKH FARID ALI
SARU DAMPUR

P.S. HAJO
DIST. KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE SPECIAL PP, ASSAM

Advocate for the Petitioner : MR T THAKURIA

Advocate for the Respondent : SPECIAL PP ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 27.05.2024

Heard Mr. A. Tewari, learned counsel for the petitioners. Also heard Mr.

R.J. Baruah, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the petitioners, namely, **Mainuddin Ali and Samsul Hoque**, in connection with **Bilaipur P.S. Case No. 15/2024**, registered under Section **120(B)/279/353/307/379/420 IPC r/w Section 9/39/48(A)/51 of Wildlife (Protection) Act, 1972 added Section 11(1) of Prevention of Cruelty to Animal Act and under Section 49 H (1)/49 I (1)/49 J(1) & (3)/51 B(1) of Wildlife (Protection) Act, 1972.**

It has been submitted by the learned counsel for the petitioners that the petitioners were arrested on 29.03.2024 and since then they have been detained in custody. In the meantime, they have completed mandatory period of 60 days in custody and charge-sheet has not yet been submitted. Considering the length of detention, petitioners may be enlarged on bail.

Mr. Baruah, learned Additional Public Prosecutor for the State submits that the case diary has been not received and the charge-sheet has also not yet been submitted in this case. There is no any prayer by the investigating officer requiring extension of time for further detention of the petitioners.

I have considered the submissions made by the parties. I have also perused the averments made in the record.

As it appears that the petitioners have been detained in custody for last 60 days as on today and charge-sheet has not yet been submitted and there is no prayer by investigating officer requiring further detention of the petitioners, therefore, the petitioners may be enlarged on bail.

Accordingly, the petitioners, named above, shall be released on bail in connection with **Bilaipur P.S. Case No. 15/2024**, registered under Section **120(B)/279/353/307/379/420 IPC r/w Section 9/39/48(A)/51 of**

Wildlife (Protection) Act, 1972 added Section 11(1) of Prevention of Cruelty to Animal Act and under Section 49 H (1)/49 I (1)/49 J(1) & (3)/51 B(1) of Wildlife (Protection) Act, 1972, on furnishing bail bond of **Rs.50,000/- each** with **two suitable sureties each** of the like amount, to the satisfaction of learned CJM, Hailakandi, Assam.

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

- (a) shall not leave the territorial jurisdiction of learned CJM, Hailakandi, Assam without prior written permission from him/her;
- (b) shall not hamper with the investigation, or tamper with the evidence of the case;
- (c) 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