

GAHC010092672024



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

Case No. : Bail Appln./1353/2024

MOJAMMEL HOQUE @ MUJAMMEL HOQUE
S/O ISMAIL HUSSAIN
R/O VILL- DEURIKUCHI
P.O. SONKUCHI, P.S. BARPETA
DIST. BARPETA, ASSAM
PIN-781314

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A.I. AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 14.05.2024

Heard Mr. A.I. Ahmed, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State.

This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the

petitioner, namely, **Mojammel Hoque @ Mujammel Hoque**, in connection with **Basistha P.S. Case No. 216/2024 (corresponding to G.R. No. 1896/24)**, registered under **Section 379 IPC r/w Section 13(1)/16 of Assam Cattle Preservation Act and r/w Section 11(1)(d) of Prevention of Cruelty to Animals Act, 1960.**

The learned counsel for the petitioner submits that the petitioner is the driver of a vehicle bearing Regd. No. AS-15-AC-7544 from which 35 nos. of cattle were recovered. The petitioner has been languishing in jail hazot for last 41 days since his arrest on 02.04.2024. It is also submitted that substantial part of investigation by that time has been completed and the stolen cattle are also recovered. 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. Sarma, learned Additional Public Prosecutor for the State submits that as per forwarding report, the upper part of the truck was filled up with 45(forty five) bags of rice grain husk covered by a huge tirpal with an intention to hide the seized live cattle with a dishonest manner. As such, he has vehemently opposed in granting bail to the petitioner.

I have considered the submissions made by the learned counsel for the parties. I have also perused relevant document available in the record.

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 **Basistha P.S. Case No. 216/2024 (corresponding to G.R. No. 1896/24)**, registered under **Section 379 IPC r/w Section 13(1)/16 of Assam Cattle Preservation Act and r/w Section 11(1)(d) of Prevention**

of Cruelty to Animals Act, 1960, on furnishing bail bond of **Rs.20,000/-** **with a suitable surety** 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-petitioner:

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