

GAHC010092682024



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

Case No. : Bail Appln./1354/2024

ANOWAR HUSSAIN AND ANR.
S/O LT. SUKUR ALI
R/O VILL- KAZAIKATA, P.S. BILASIPARA, DIST. DHUBRI, ASSAM

2: SAH ALOM ALI
S/O KURMAN ALI
R/O VILL- KAZAIKATA
P.S. BILASIPARA
DIST. DHUBRI
ASSA

VERSUS

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

Advocate for the Petitioner : MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 14.05.2024

Heard Mr. S. Nawaz, learned counsel for the petitioners. Also heard Mr. B. Sarma, 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, **Anowar Hossain and Sah Alom Ali**, in connection with **Gossaigaon P.S. Case No. 58/2024**, registered under **Section 429/34 IPC r/w Section 13(1)/14 of Assam Cattle Preservation Act**.

The learned counsel for the petitioners submits that the petitioners are the driver and handyman in a vehicle bearing Regd. No. AS-16-AC-4833. The allegation against the petitioners that they were carrying beef in the said vehicle. It is further submitted that both the petitioners have been languishing in jail hazot for last 37 days since their arrest on 07.04.2024. 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. Goswami, learned Additional Public Prosecutor for the State submits that both the petitioners were apprehended along with beef and they were brought the said beef secretly inside the sit of the said vehicle. Therefore, he has prayed 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. I have also perused the relevant documents available in the record.

Considering the background of the case 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 **Gossaigaon P.S. Case No. 58/2024**, registered under **Section 429/34 IPC r/w Section 13(1)/14 of Assam Cattle Preservation Act**, on furnishing bail bond of **Rs.20,000/- each with a**

suitable surety each of the like amount to the satisfaction of learned SDJM(M), Gossaigaon, Kokrajhar, Assam.

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

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

JUDGE

Comparing Assistant