

GAHC010095242024



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

Case No. : Bail Appln./1359/2024

MD. MANNAF ALI
S/O LT. MAHNUR ALI
R/O VILL- LOHARKATA
P.S. MUKALMUA,
DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR T KALITA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

17.05.2024

Heard Mr. T. Kalita, learned counsel for the accused and Mr. K.K. Das, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Md. Mannaf Ali**, who has been languishing in jail hazot, in connection with the **Hajo P.S. Case No. 102/2024**, under Section 380 and added Section 411 of the IPC, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by one Arabinda Malakar, on 30.03.2024. The essence of allegations made in the FIR is that on 29.03.2024, at about 11:45 pm, some unknown persons have committed theft of one brown coloured cow and one while coloured calf, in one Eon vehicle, bearing registration No. AS-01-EE-6555.

4. Mr. Kalita, learned counsel for the accused submits that the accused was arrested on 28.04.2024, and since then he been languishing in jail hazot for last 20 days. Mr. Kalita further submits that three numbers of cow were recovered from his possession and of the said cows, he has purchased one from Madhav Bhaisya and two others from Darul Hashid Pub-Borkhetri Alia Madrassa Market and in support of his submission he has produced three purchase receipt. Mr. Kalita also submits that he is innocent and no way involved with the offence alleged in the FIR and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Das, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the stolen cow and the calf are yet to be recovered and that the investigation is still on and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the accused was arrested on 28.04.2024, and since then he been languishing in jail hazot for last 20 days. Further, it appears that three numbers of cows were recovered from the possession of the accused and the documents placed on record indicates that of the said cows, he has purchased one

from Madhav Bhaisya and two others from Darul Hashid Pub-Borkhetri Alia Madrassa Market.

8. Having considered above and also considering the period of detention and balancing the same with nature and gravity of the offence alleged in the FIR, this Court is of the view that further custodial detention may not be warranted in the interest of investigation.

9. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **Judicial Magistrate First Class, Hajo**, the accused be enlarged on bail.

10. In terms of above, this bail application stands disposed of.

11. The case diary be returned.

Comparing Assistant

JUDGE