

GAHC010097612024



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

Case No. : Bail Appln./1410/2024

MD ZAKIR HUSSAIN AND ANR
S/O KUTUB UDDIN BEPARI, R/O VILL- DHAULIGURI, P.S.-GOSAIGAON,
DIST-KOKRAJHAR, ASSAM

2: MD. ARIZ AHMED
S/O JALILUDDIN BEPARI
R/O VILL- DHAULIGURI
P.S.-GOSAIGAON
DIST-KOKRAJHAR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 17.05.2024

Heard Mr. T. Chutia, learned counsel for the petitioners. Also heard Mr. B. Sarma, 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, **Md. Zakir Hussain and Md. Ariz Ahmed**, in connection with **Khetri P.S. Case No. 59/2024**, registered under **Section 379/411/34 IPC r/w Section 11(1)(a)(d)(e) of Prevention of Cruelty to Animal Act, 1960 and r/w Section 13(1)/16 of Assam Cattle Preservation (Amendment) Act, 2021.**

The learned counsel for the petitioners submits that the petitioners are the driver and handyman of the vehicle bearing Regd. No. AS-27C-6562 from which 31 numbers of cattle were recovered. It is also submitted that one Sofiquil Alom Choudhury is the owner of the said vehicle and one Akramul Hussain is the owner of the said cattle which are recovered from the vehicle. It is further submitted that the learned trial court, after verifying the documents, given custody to the said vehicle and the cattle to their respective owner. The petitioners have been detained in custody since 25.04.2024. 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. Sarma, learned Additional Public Prosecutor for the State has stated that after perusal of the case diary, the prayer of the petitioners may be considered.

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

It appears that the petitioners are the driver and handyman of the said vehicle from which the suspected 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 **Khetri P.S. Case No. 59/2024**, registered under **Section 379/411/34 IPC r/w Section 11(1)(a)(d)(e) of Prevention of Cruelty to Animal Act, 1960 and r/w Section 13(1)/16 of Assam Cattle Preservation (Amendment) 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