

GAHC010100042024



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

Case No. : Bail Appln./1438/2024

JOYNAL HOQUE AND 4 ORS.
S/O LT. RAIJUDIN MONDAL
VILL- BOWALIARCHAR
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA
MANKACHAR, ASSAM

2: MOFIDUR ISLAM
S/OLT. GHUTU RAHMAN
VILL- CHOTO BOZRA
P.S. SUKCHAR
DIST. SOUTH SALMARA- MANKACHAR
ASSAM

3: MOKTAR HUSSAIN
S/O LT. GHUTU RAHMAN
VILL- CHOTO BOZRA
P.S. SUKCHAR
DIST. SOUTH SALMARA-MANKACHAR
ASSAM

4: SAMSUL HOUQE
S/O HAZI JAHAR ALI
VILL- BORO RAVATARI
P.S. SOUTH SALMARA
DIST. SOUTH SALMARA- MANKACHAR
ASSAM

5: EZAZUL HOQUE
S/O LT. LT. MOHIZUDDIN SK.
VILL- CHOTO KAZIRGAON
P.S. SUKCHAR
DIST. SOUTH SALMARA- MANKACHAR
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. L R MAZUMDER

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

20.05.2024

Heard Mr. AZ Ahmed, learned counsel for the petitioners. Also heard Mr. KK Parasar, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 439 Cr.P.C. praying for granting regular bail to the petitioners, 1. Joynal Hoque, 2. Mofidur Islam, 3. Moktar Hussain, 4. Samsul Hoque and 5. Ezazul Hoque, who were arrested on 21.04.2024 in connection with South Salmara PS case No. 86/2024 under Section 379/411 IPC read with Section 13(1)/16 of Assam Cattle Preservation Act, 2021.

The learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case.

Perused the material available on record.

It is alleged in the FIR that the petitioners were found with 20 numbers of buffalo heads and suspecting those to be stolen, the petitioners have been arrested. On the other hand, the learned counsel for the petitioners produced certain documents as regards purchase of such buffalos.

Considering the nature of allegation as well as period of detention, this Court is

of the opinion that no further custodial interrogation/detention of the petitioner is required inasmuch as the buffalo heads have already been recovered and the petitioners have been in custody since 21.04.2024. Accordingly, the present application is allowed.

It is directed that the applicants be released on bail on their furnishing bail bond of Rs.25,000/- each (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount to the satisfaction of the learned CJM, South Salmara, Mancachar with the following conditions.

- (1) The petitioners shall not hamper with the investigation, or tamper with the evidence of the case,
- (2) The petitioners 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,
- (3) The petitioners shall appear before the I/O on each and every date as and when called for.

Bail application stands disposed of.

JUDGE

Comparing Assistant