

GAHC010104282024



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

Case No. : Bail Appln./1502/2024

ASAR ALI AND ANR.
S/O JABED ALI
R/O VILL- GADHIJHAR, P.O. DALGAON, P.S. DALGAON,
DIST. DARRANG, ASSAM

2: SURPAN ALI
S/O ABDUL MUTALEB
R/O VILL- BAHMURA
P.S. BARPETA

DIST. BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 28.05.2024

Heard Mr. M. Ahmed, learned counsel for the petitioners and Mr. B. Sarma, learned Addl.
PP for the State respondent.

This is an application under Section 439 Cr.P.C., seeking bail by the petitioners namely **1) Asar Ali and 2) Surpan Ali** in connection with Basistha P.S. Case No. 336/2024 under Section 379 IPC read with Section 11 (1)(d) of the Prevention of Cruelty to Animal Act, read with Section 13(1)/ 16 of the Assam Cattle Preservation Act.

It is submitted by the learned counsel for the petitioners that the petitioner No. 1 is the driver and the petitioner No. 2 is the helper of the vehicle bearing registration No. AS-09-C-2966 from which 20 numbers of cattle were seized. As per the FIR, the cattle were suspected to be stolen property and the driver and helper could not produce the requisite document regarding transportation of the cattle. It is further submitted that the petitioners were arrested on 14.05.2024 i.e. for last 15 days. The learned counsel for the petitioners submits that considering the length of detention and as the cattle have already been recovered, nothing to remain for investigation as such, they may be enlarged on bail.

The learned Additional Public Prosecutor, on the other hand, has submitted that the case diary is necessary to consider the prayer for bail.

It appears from the record that the petitioners have produced the relevant document regarding purchase of the cattle owned by one Sheikh Farid Ali. According to the learned counsel for the petitioners, the owner of the cattle has already approached before the trial court seeking zimma of the cattle. In view of the above, further custodial interrogation of the petitioners may not be required

In view of the above, prayer for bail is allowed. It is directed that the accused/ petitioners shall be released on bail on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) each with one suitable surety each of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati in connection with the aforementioned case.

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

- (1) shall not hamper with the investigation and tamper with the evidence of the case; and

- (2) 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 him 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