

GAHC010104612024



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

Case No. : Bail Appln./1533/2024

HAFIZUL ISLAM @ HABIZUL ISLAM
S/O LATE JAINAL ABEDIN SK
R/O VILL- KHORKHORI, P.S. KAZIGAON, IN THE DISTRICT OF
KOKRAJHAR, ASSAM

VERSUS

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

Advocate for the Petitioner : MR A W AMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 04.06.2024

Heard Mr. S. Das, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the petitioner, namely, **Hafizul Islam @ Habizul Islam**, in connection with **Gossaigaon P.S. Case No. 72/2024**, registered under **Section**

379/411/34 IPC r/w 13(1)/14 of Assam Cattle Preservation Act, 2021.

It is submitted by the learned counsel for the petitioner that the petitioner is no way connected with the alleged offence. It is also submitted that on the basis of the statement of the prime accused Ashraful Alam Mandal, the present petitioner was arrested. It is further submitted that the petitioner has been detained in custody since 17.05.2024. Considering the background of the case as well as the length of detention, petitioner may be enlarged on bail.

Mr. Goswami, learned Additional Public Prosecutor for the State has produced the case diary and submitted that nothing was recovered from the possession of the petitioner. It is also submitted that the prime accused Ashraful Alam Mandal stated that the present petitioner is involved in the instant case. However, substantial part of investigation has already been completed.

I have considered the submission of learned counsel for the parties. I have also perused the case diary.

It appears that only on the basis of the statement of the prime accused, the present petitioner was arrested and nothing was recovered from the possession of the petitioner.

In view of the above and considering the length of detention, this Court is inclined to grant bail to the petitioner.

Accordingly, the petitioner, named above, shall be released on bail in connection with **Gossaigaon P.S. Case No. 72/2024**, registered under **Section 379/411/34 IPC r/w 13(1)/14 of Assam Cattle Preservation Act, 2021**, on furnishing bail bond of **Rs.20,000/-** with **one suitable surety** 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

petitioner:

(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 him from disclosing such facts to the Court or to any police officer;

(c) shall not hamper with the investigation, or tamper with the evidence of the case.

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

Send back the case dairy.

JUDGE

Comparing Assistant