

GAHC010106872024



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

**Case No. : Bail Appln./1550/2024**

ABUSAMA SHEIKH @ ABU SAMA SK AND ANR  
S/O RAHAM ALI SHEIKH, R/O VILL- BAR KALIA GALADIGHI, P.S.-  
FAKIRGANJ, DIST- DHUBRI (ASSAM)

2: SAFIKUL ISLAM  
S/O SAIFUL ISLAM  
R/O VILL- KHARUA PARA (NAGAON KHARUAPARA)  
P.O.-RADHAKUCHI  
P.S.-BARPETA  
DIST- BARPETA (ASSAM)

VERSUS

STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MR SARFRAZ NAWAZ**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**Date : 31.05.2023**

Heard Mr. S Nawaz, learned counsel for the petitioners. Also heard Mr. B Sarma, learned Addl. Public Prosecutor for the State/respondent.

By this petition filed under Section 439 Cr.P.C., the petitioners, namely, **1.Abusama Sheikh @ Abu Sama Sk and 2. Safikul Islam** have prayed for granting bail, in connection with **Gossaigaon P.S. Case No. 72/ 2024 under Sections 379/411/34 of the IPC r/w Section 13 (1)/14 of the Assam Cattle Preservation (Amendment) Act.**

The learned counsel for the petitioners submits that petitioner No. 1 is the driver of the vehicle bearing No.AS-28AC-0523 from which 18 nos. of cattle were recovered and petitioner No. 2 is the handyman of the said vehicle. It is further submitted that the accused petitioners are in judicial custody since 14.05.2024 and further custodial interrogation of the petitioners are not required and as such, petitioners may be granted the bail.

The learned Additional Public Prosecutor on the other hand, submits that he has objection against the prayer of bail till production of the case diary.

Having heard the learned counsel for the parties and on perusal of FIR, forwarding report and the averments made in this petition, it appears that the petitioners are in judicial custody since 14.05.2024 and this Court is of the considered opinion that further detention of the petitioners in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioners named above shall be released on furnishing bail bond of **Rs. 20,000/-** each with one surety each of like amount to the satisfaction of the learned **SDJM, Gossaigaon** subject to the following conditions;-

- (i) The petitioners shall not leave the territorial jurisdiction of learned SDJM, Gossaigaon without prior written permission from him/her;
- (ii) That the petitioners shall cooperate with the Investigating Officer as and when required;
- (iii) That 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 him from disclosing such facts to the Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

**JUDGE**

**Comparing Assistant**