

GAHC010107542024



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

Case No. : Bail Appln./1566/2024

MD AMIR SAHIL @ AMIR SWAHILA AND ANR
S/O MD. SAHIDUR RAHMAN, R/O VILL- KAHIKUCHI, P.S.-JAGIROAD, DIST-
MORIGAON, ASSAM, PIN-782410

2: MD. MAQIBUR RAHMAN
S/O MD. AFZAL ALI
R/O VILL- KAHIKUCHI
P.S.-KHETRI
DIST-KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M HUSSAIN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 20.06.2024

Heard Mr. M. Hussain, learned counsel for the petitioners. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure praying for grant of bail to the accused/petitioner, who has been arrested in connection with Khetri P.S. Case No. 73/2024, under Sections 379/411/34 IPC *read with* Section 13(1)/16 of Assam Cattle Preservation (Amendment) Act, 2021.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. M. Hussain, learned counsel for the petitioners, that the accused/petitioners are innocent and they only got "hazira" from the owner of the cattle to transport the cattle. However, all the cattle are already been recovered. Further he submitted that the accused/petitioners are behind the bar for last 29 days and hence, considering their length of detention, they may be enlarged on bail. However, they are ready and willing to co-operate with the I.O. in the further investigation of the case if they are granted with the privilege of bail.

In this context, Mr. Baruah, learned Additional Public Prosecutor, has submitted that from the materials available in the Case Diary, it is seen that the

present petitioners are the transporter and they are doing the business only on "hazira" basis as per the instruction of the owner of cattle.

Considering the submissions made by the learned counsels for both sides as well as on perusal of the materials available in the Case Diary, I find that further custodial interrogation of the present accused/petitioners are seem to be not necessary and hence, I find it a fit case to extend the privilege of bail to the present accused/petitioners.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, the accused/petitioners, namely, (i) Md. Amir Sahil @ Amir Swahil & (ii) Md. Maqibur Rahman, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) 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 Court or to any police officer; and
- (iii) that the petitioners shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, without prior

permission.

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

JUDGE

Comparing Assistant