

GAHC010116722024



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

Case No. : Bail Appln./1680/2024

GULAM OSMANI
S/O MAZUR ALI,
RESIDENT OF PAHAKATA, PS MERERCHAR DIST BONGAIGAON, ASSAM

2: SAHINUR ISLAM
S/O MD. BADIUT JAMAN

RESIDENT OF VILLAGE KUSHBARI PART II
PS ABHAYAPURI
DIST BONGAIGAON
ASSAM

3: ABU SAMA
S/O LATE ABDUL JALIL
RESIDENT OF VILLAGE KUSHBARI PART I
PS ABHAYAPURI
DIST BONGAIGAON
ASSAM

4: MABINUR RAHMAN
S/O MONUWAR HUSSAIN
RESIDENT OF VILLAGE KUSHBARI PART I
PS ABHAYAPURI
DIST BONGAIGAON
ASSAM

5: SIKANDAR BADSHAH
S/O LATE IMAN ALI

RESIDENT OF VILLAGE SANTOSH PUR
PS ABHAYAPURI
DIST BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : H R KHAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 25.06.2024

- 1.** Heard Mr. M. Ali, learned counsel for the petitioners. Also heard R. R. Kaushik, learned Additional Public Prosecutor for the State.
- 2.** This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioners, namely, (1) Gulam Osmani, (2) Sahinur Islam, (3) Abu Sama, (4) Mabinur Rahman, and (5) Sikandar Badshah, who are detained behind the bars since 31.05.2024 (for the last 25 days) in connection with Bongaigaon P.S. Case No.196/2024 under Section 380 of the Indian Penal Code.
- 3.** The gist of accusation in this case is that on 30.05.2024, one Prakash Jojo had lodged an FIR before the Officer-in-Charge of Bongaigaon Police Station, *inter-alia*, alleging that on 28.05.2024 at night someone has stolen one cow from his cowshed and four more cows from the co-villagers.
- 4.** The learned counsel for the petitioners has submitted that the petitioners are not named in the FIR, while they were returned back from

Bongaigaon town to Abhayapuri trip in their vehicles bearing Registration No. AS19AC5141 and AS18AC5331.

5. It is submitted by the learned counsel for the petitioners that the petitioner Nos. 1 and 2 are the owners of the said vehicle respectively and the other petitioners are the laborers and they are apprehended merely on the basis of suspicion.

6. On the other hand, learned Additional Public Prosecutor, has produced the case diary of Bongaigaon P.S. Case No.196/2024 and has submitted that the stolen cows have been recovered and the investigation has fairly progressed.

7. Considering the submission made by the learned counsel for both the sides as well as considering the materials available before this Court including the case diary of Bongaigaon P.S. Case No.196/2024, this Court is of considered opinion that further custodial detention of the present petitioners may not be necessary for fair completion of the investigation of Bongaigaon P.S. Case No.196/2024.

8. In view of above, all the above-named petitioners are hereby allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only), each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Bongaigaon subject to the following conditions:

i. That the petitioners shall co-operate in the investigation.

ii. That the petitioners shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such

person from disclosing such facts of the case before the Investigating Officer.

- 9.** With above observation, this bail application is thereby disposed of.
- 10.** Send back the case diary.

JUDGE

Comparing Assistant