

GAHC010116842024



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

Case No. : Bail Appln./1710/2024

MD. SAIDUL ISLAM AND 2 ORS.
S/O FAJLUR RAMAN
R/O VILL- GERUAATI,
P.S. KHATOWAL
DIST. NAGAON, ASSAM

2: MD. HAFIJUR RAHMAN
S/O MD. HARUN RASHID
R/O VILL- GERUAATI
P.S. KHATOWAL
DIST. NAGAON
ASSAM

3: MD. MUSTAHIJUR RAMAN
S/O LT. A BDUL KADIR
R/O VILL- GERUAATI
P.S. KHATOWAL
DIST. NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 13.06.2024

Heard Mr. T. Chutia, learned counsel for the petitioners and Mr. D.P. Goswami, learned Addl. PP for the State respondent.

This is an application under Section 439 Cr.P.C., seeking bail by the petitioners namely **(1) Md. Saidul Islam, (2) Md. Hafijur Rahman and (3) Md. Mustahijur Rahman** in connection with Khetri P.S. Case No. 71/2024 under Sections 379/ 411/34 IPC read with Section 11(1)(a)(d)(e) of the Prevention of Cruelty to Animal Act, 1960 and read with Section 13(1)/ 16 of the Assam Cattle preservation (Amendment) Act, 2021.

The learned counsel for the petitioners has submitted that the petitioner No. 1 is the driver and the petitioner No. 2 is the handyman of the vehicle bearing registration No. AS-02DC-4552 and the petitioner No. 3 is the driver of another vehicle bearing registration No. AS-02DC3363. The petitioners were arrested on 19.05.2024 and since then they were languishing in jail. The allegation against them is that 25 numbers of bulls were recovered from both the vehicles. It is further submitted that the Trial Court has given zimma of the vehicles and cattle to their respective owners, and as such further custodial detention of the petitioners may not be warranted.

The learned Additional Public Prosecutor, on the other hand, has submitted that he has no objection if the prayer of the petitioners is granted.

Considering the length of detention, 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) only each with one suitable surety of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), 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 in 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