

GAHC010119822024



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

Case No. : Bail Appln./1718/2024

RAJIB ALI AND ANR
S/O SAIFUL ALI,
RESIDENT OF GANGAPUR, PS MUKALMUA DIST NALBARI, ASSAM

2: SAIDUL ISLAM
S/O ABDUL KASEM

RESIDENT OF MUWAMARI PATHAR
PS LAHARIGHAT
DIST MORIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

14.06.2024

Heard Mr. S Munir, learned counsel for the petitioners as well as Mr. K K Porasor, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 439 CrPC praying for release on bail by the petitioners, namely, (1) Rajib Ali and (2) Saidul Islam in connection with Pragjyotishpur P.S. Case No. 71/2024 registered under sections 120(B)/379/429 IPC read with Section 11 of Prevention of Cruelty to Animals Act, 1960 and read with Section 13(1) of the Assam Cattle Preservation Act, 2021.

On the day occurrence, the petitioners were found carrying two nos. of cattles in a vehicle. They did not have necessary permission to transport the cattles.

Having heard the learned counsel for both the sides and on perusal of the materials available on record, I am of the considered opinion that the petitioners have been in custody only for lack of necessary permit, not for cruelty to animals. Therefore, they do not deserve to be detained in custody for any further period of time. Hence, the bail application of the petitioner is allowed.

Accordingly, it is hereby directed that the petitioners (1) Rajib Ali and (2) Saidul Islam, who were arrested in connection with Pragjyotishpur P.S. Case No. 71/2024 registered under sections 120(B)/379/429 IPC read with Section 11 of Prevention of Cruelty to Animals Act, 1960 and read with Section 13(1) of the Assam Cattle Preservation Act, 2021 be released on bail of Rs.10,000/- each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati.

The bail application is disposed of.

JUDGE

Comparing Assistant