

GAHC010125742024



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

Case No. : Bail Appln./1822/2024

NUR AMIN AND 8 ORS.
S/O TOMEZ ALI
R/O BAGULAMARI, P.S. AND DIST. DHUBRI, ASSAM

2: TOMEZ ALI
S/O MUSER ALI
R/O BAGULAMARI
P.S. AND DIST DHUBRI
ASSAM

3: ROMEZ ALI
S/O AMZAD ALI
R/O BAGULAMARI
P.S. AND DIST. DHUBRI
ASSAM

4: SUKUR ALI SK.
S/O ROHIM ALI SK.
R/O NEWGHAT
P.S. AND DIST. DHUBRI
ASSAM

5: YASIN ALI
S/O FAKIRCHAND SK.
R/O NO. 2 HUDUMKHATA
P.S. GOSSAIGAON
DIST. KOKRAJHAR
ASSAM

6: MAZHABARUL SK.
S/O JOYNAL ABEDIN SK.
R/O SHIMULTAPU NO. III
P.S. GOSSAIGAON
DIST. KOKRAJHAR

ASSAM

7: RAFIKUL ALAM
S/O ABDUL JALIL SK.
R/O JHAGRARPARA
PT.III

P.S. AND DIST. DHUBRI
ASSAM

8: JAMAN MUSFIKUR RAHMAN
S/O KHALILUR RAHMAN
R/O JHAGRAPARA PT.III
P.S. AND DIST. DHUBRI
ASSAM

9: JAHIRUL ISLAM
S/O PIN MOHAMMAD SK.
R/O GHIUMARI
P.S. AND DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR A W AMAN

Advocate for the Respondent : PP, ASSAM

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

ORDER

Date : 28.06.2024

Heard Mr. S. Nawaz, learned counsel for the petitioners. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State.

This application under section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioners, namely, (1) Nur Amin, (2) Tomez Ali, (3) Romeez Ali, (4)

Sukur Ali Sk, (5) Yasin Ali, (6) Mazhabarul Sk (7) Rafikul Alam, (8) Jaman Musfikur Rahman and (9) Jahirul Islam, who have been detained behind the bars since 15.06.2024 (for last 14 days) in connection with Gossaigaon P.S. Case No. 92/2024 under Sections 379/ 411/ 34 of the Indian Penal Code read with Section 13(1) of the Assam Cattle Preservation Act, 2021.

The gist of accusation against the present petitioner in this case is that one Sumon Gogoi, Sub-Inspector of Police lodged an FIR before the Officer-in-Charge of Gossaigaon Police Station *inter-alia*, alleging that he received some secret information from a reliable source that some unknown miscreants were transporting illegally and the police reached the place and apprehended the accused person and seized 8 numbers of bulls.

The learned counsel for the petitioners has submitted that the bulls were purchased from the cattle market of Gossaigaon and petitioners are in no way involved with the offence alleged in the FIR and they have has been arrested for no fault on their part.

On the other hand, learned Public Prosecutor has produced the case diary of Gossaigaon P.S. Case No. 92/2024 and has submitted that the petitioners have failed to produce the valid documents in support of purchase of bulls and have not cooperated with the investigation.

I have considered the submissions made by learned counsel for both the sides and perused the materials available on record including the case diary of Gossaigaon P.S. Case No. 92/2024. It appears that the cattle in question are also seized and it also appears that the petitioners are detained behind the bars for last 14 days

Considering the nature and gravity of offence alleged in this case and also considering the fact that investigation has substantially progressed as well as the period of detention already undergone by the petitioners, this court is of the view that further custodial detention of the petitioners does not appear to be necessary for fair completion of the investigation of Gossaigaon P.S. Case No. 92/2024.

Hence, the above named petitioners are allowed to go on bail of Rs. 30,000/ (Rupees thirty thousand only) each with one surety each of like amount subject to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Gossaigaon with the following conditions:

- (i) 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.
- (ii) That the petitioners shall co-operate in the investigation.

This bail application is accordingly disposed of.

Send back the case diary.

JUDGE

Comparing Assistant