

GAHC010126842024



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

Case No. : Bail Appln./1854/2024

MD. SIRAJ ALI AND ANR.
S/O LATE HABIBULLAH ALI
R/O ROUDUWA PATHAR , P
P.S. BOKAKHAT
DIST. GOLAGHAT, ASSAM

2: MD. DILWAR HUSSAIN
S/O ABDUL KHALEK
R/O VILL- 1 NO. KOROYONI
P.S. MORAJHAR
DIST. HOJAI
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 : **15.07.2024**

Heard Mr. T. Chutia, learned counsel for the petitioners. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State.

By this petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners, namely, **Md. Siraj Ali and Md. Dilwar Hussain**, have prayed for granting bail in connection with **Khetri P.S. Case No. 90/2024**, registered under **Section 379/411/34 IPC, r/w Section 11(1)(a)(d)(e) of Prevention of Cruelty to Animal Act, 1960 and r/w Section 13(1)/16 of Assam Cattle Preservation (Amendment) Act, 2021.**

It is submitted by the learned counsel for the petitioners that the petitioner No. 1 is the driver of the vehicle bearing Regd. No. AS-05-AC-5237 from which the cattle were recovered. It is also submitted that the petitioner No. 2 is the owner of the said cattle. In support of his submission, the learned counsel for the petitioners has produced some purchase receipts from whom the said cattle were purchased. It is further submitted that the petitioners have been detained in custody since 13.06.2024. Considering the background of the case as well as the length of detention, petitioners may be enlarged on bail.

On the other hand, Mr. Baruah, learned Additional Public Prosecutor for the

State has stated that considering the period of detention, bail may be granted to the petitioners.

I have considered the submissions made by the parties. I have also perused the case diary.

It appears that the petitioner No. 1 is the driver of the vehicle and the petitioner No. 2 is the owner of the cattle which were recovered from the said vehicle. Considering the fact as well as the length of detention of the petitioners, this Court is of the view that further custodial interrogation of the accused-petitioners is not necessary for the purpose of investigation of the case.

Accordingly, the petitioners, named above, shall be released on bail in connection with **Khetri P.S. Case No. 90/2024**, registered under **Section 379/411/34 IPC, r/w Section 11(1)(a)(d)(e) of Prevention of Cruelty to Animal Act, 1960 and r/w Section 13(1)/16 of Assam Cattle Preservation (Amendment) Act, 2021**, on furnishing bail bond of **Rs.20,000/- each** with **one suitable surety each** of the like amount, to the satisfaction of learned CJM, Kamrup(M), Guwahati, Assam.

The direction for bail is further subject to the conditions that the petitioners:

(a) shall not leave the territorial jurisdiction of learned CJM, Kamrup(M), Guwahati, Assam without prior written permission from him/her;

(b) 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;

(c) shall not hamper with the investigation, or tamper with the evidence of the case.

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

Send back the case dairy.

JUDGE

Comparing Assistant