

GAHC010126922024



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

Case No. : Bail Appln./1860/2024

ATOWAR RAHMAN
S/O LATE JAHAN UDDIN
R/O VILL- ANDURJAH (DIYABARI)
P.S. BILASIPARA
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
RPE BY THE PP, ASSAM

Advocate for the Petitioner : MR. BAHARUL ISLAM

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

16.07.2024

Heard Mr. Baharul Islam, learned counsel for the petitioner and Mr. K.K. Parasar, learned Addl. Public Prosecutor for the State respondent.

It is informed by the learned Addl. Public Prosecutor that the case diary as called for has not been received although intimation has been sent to the concerned I.O. for production of case diary.

This is an application under Section 439 Cr.P.C., filed by the petitioner, namely **Atowar Rahman**, praying for regular bail, who was arrested on 12.06.2024 in connection with Bilasipara P.S. Case No. 146/2024 under Section 13(1) of Assam Cattle Preservation Act, 2021, read with Section 11 of the Prevention of Cruelty to Animals Act, 1960.

It is submitted by the learned counsel for the petitioner that the petitioner has been detained in custody since 12.06.2024 and since then has been in judicial custody for last 36 days and hence considering the length of detention, the petitioner may be released on bail. The learned counsel for the petitioner further submits that the petitioner is an innocent and he is in no way involved with the alleged offence. The actual fact of the case is that the petitioner purchased a cow for sacrifice on the occasion of Eid festival held on 17.06.2024 and on the way to his residence while he was chasing the cow, he was arrested by the police on suspicion. However, the petitioner is ready and willing to cooperate with the investigation, if he is enlarged on regular bail.

In this context, the learned Additional Public Prosecutor has submitted that as per the allegation, the petitioner was arrested by the police while he was

chasing a cow suspected to be stolen cow. However, he has submitted that only considering the length of detention, the prayer for bail may be considered.

After hearing the submissions of the learned counsel for the parties and without going to the merit of the case, only considering the period of detention and considering the fact that the I.O. has got sufficient time to interrogate the accused, it is directed that the petitioner named above, be released on bail on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) with 1 (one) suitable surety of like amount to the satisfaction of the learned SDJM Bilasipara in connection with the aforementioned case.

The direction for bail is further subject to the conditions that the accused-petitioner:

- (a) shall not leave the territorial jurisdiction of the learned SDJM, Bilasipara, without prior written permission from him/ her;
- (b) shall not hamper in the investigation of the case and tamper with the evidence of the case; and
- (c) 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