

GAHC010127872024



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

Case No. : Bail Appln./1890/2024

ROIS UDDIN AND ANR.
S/O MD. ABDUL MANNAN
R/O SIGNAR GAON
P.S. BAKALITA
DIST. KARBI ANGLONG, ASSAM

2: ABDUL HALIM
S/O ANAR ULLA
R/O UTTAR SAMAR ALI
P.S. MURAJHAR

DIST. HOJAI
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 MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 28.06.2024

Heard Mr. S. Munir, learned counsel for the petitioners. Also heard Ms. S. Jahan, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the petitioners in connection with Howraghat P.S. Case No.25/2024, under Section 379 of the Indian Penal Code *read with* Section 13(1) of the Assam Cattle Preservation Act, *read with* Section 11 (1) (d) of Prevention of Cruelty to Animals Act, 1960.

It is submitted by the learned counsel for the petitioners, Mr. S. Munir, that the accused/petitioners are innocent and they are not involved in the alleged offence. The accused/petitioner No.1 is the driver of the vehicle and the accused/petitioner No.2 is the owner of the bulls, which were seized in connection of this case by police by intercepting the vehicle. He further submitted that the petitioner No. 2 is a genuine purchaser of the vehicle and in that regard, the Gaonbura has issued certificate, wherein it is stated that the bulls were purchased by the present petitioner No.2 in presence of Gaonbura. Further he submitted that the petitioners are behind the bar since 15.06.2024 and thus, the I.O. got sufficient time for their custodial interrogation and hence, their further custodial detention may not be necessary for the interest of the investigation.

In this context, the learned Additional Public Prosecutor, Ms. S. Jahan,

has submitted that they could not furnish any money receipt etc. before the I.O. or the other relevant documents of the vehicle at the time of interception of the vehicle and accordingly she submitted that Case Diary may be required to know the actual fact of the case.

Considering the submissions of learned counsel for both sides and also on perusal of the documents annexed along with the petition and further considering the length of detention already undergone by the accused/petitioners, I find that further custodial detention may not be necessary and hence, I find it a fit case to allow the accused/petitioners to go on bail.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with one surety of like amount to the satisfaction of the learned Additional Chief Judicial Magistrate, Diphu, Karbi Anglong the accused/ petitioners, namely, (1). Rois Uddin and (2). Abdul Halim, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioners 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; and
- (iii) that the petitioners shall not leave the jurisdiction of the learned Additional Chief Judicial Magistrate, Diphu, Karbi Anglong, without prior permission.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant