

GAHC010136082024



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

Case No. : Bail Appln./1977/2024

MAHIDUL ALI SK @ MAHIDUL ALI
SON OF MD. SAIR UDDIN AK, RESIDENT OF VILL- DURAMARI, P.S. AND
DISTRICT- KOKRAJHAR (BTR), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. M A MONDAL
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

15.07.2024

Heard Mr. M. A. Mondal, learned counsel appearing for the accused petitioner as well as Mr. D. P. Goswami, learned Addl. P.P., Assam appearing for the State respondent.

By filing this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Mahidul Ali Sk @ Mahidul Ali**, has prayed for grant of bail in connection with **Kokrajhar P.S. Case No.61/2024** under Sections **279/379/411/413 of IPC** read with **Section 13(1)/16 of the Assam Cattle Preservation Act, 2021** read with **Section 11(1) of the Preservation of Cruelty to Animal Act,**

corresponding to G.R. Case No. 118/2024.

It is submitted by the learned counsel for the petitioner that the accused petitioner has been languishing in judicial custody for last 79 days since his arrest on 27.04.2024. Considering the length of detention, prayer for bail may be considered. It is submitted by the learned counsel for the petitioner that the petitioner is not the driver or the handyman of the alleged vehicle involved in the case. He was arrested only on suspicion on the version of the co-accused.

Mr. D. P. Goswami, learned Additional Public Prosecutor has fairly submitted that considering the period of detention, the petitioner may be enlarged on bail.

In view of the submission of learned counsel for both the parties and considering the length of detention, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.20,000/-** with **one suitable surety** of the like amount, to the satisfaction of learned **Chief Judicial Magistrate, Kokrajhar**.

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

- (a) shall not leave the territorial jurisdiction of learned Chief Judicial Magistrate, Kokrajhar without prior written permission from him/her;
- (b) shall not hamper with the investigation, or tamper with the evidence of the case;
- (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