

GAHC010138582024



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

Case No. : Bail Appln./2031/2024

JAIMAT ALI AND 2 ORS.
S/O LATE AFIRUDDIN, R/O VILL- FAKIRPARA, P.S.-DHULA, DIST-
DARRANG, ASSAM

2: SHAHAB ALI
S/O RUSTAM ALI
R/O VILL- ALGACHAR
P.S.-MANGALDOI
DIST-DARRANG, ASSAM

3: IMRAN HUSSAIN
S/O AHAD ALI
R/O VILL- BANDIA CHAPORI
P.S.-MANGALDOI
DIST- DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MD S ALI, MR M RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

31.07.2024

Heard Mr S Ali, learned counsel for the petitioners, 1) Jaimat Ali, 2) Shahab Ali and 3) Imran Hussain, who have filed this application under Section 483 of the BNSS, 2023, with prayer for bail as they are behind bars since 08.07.2024, in connection with

Basistha PS Case NI. 490/2024, under Sections 303(2) of BNS 2023, read with Section 13(1)/16 of the Assam Cattle Preservation (Amendment) Act, 2021 and read with Section 11(1)(d) of the Preservation of Cruelty to Animal Act, 1960.

2. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.
 3. The allegation against the petitioners is that they have smuggled the cattle.
 4. The learned Additional Public Prosecutor has submitted that during investigation, the documents of purchasing the cattle could be produced before the IO.
 5. I have considered the submissions at the Bar.
 6. Considering all aspects, petition is allowed. The petitioners are enlarged on bail of Rs 30,000/- (Rupees thirty thousand) each, with a suitable surety each of like amount to the satisfaction of the learned CJM, Kamrup (Metro) under the conditions that:
 - (i) the petitioners shall refrain from such activities with which they are alleged,
 - (ii) the petitioners shall not exercise threats to the witnesses or try to influence the witnesses, and
 - (iii) the petitioners shall cooperate with the remaining part of investigation.
- On breach of any of the bail conditions, bail order shall stand cancelled.
11. Bail Application stands disposed of.

JUDGE

Comparing Assistant