

GAHC010140752024



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

Case No. : Bail Appln./2059/2024

MASTUFA AHMED AND ANR
S/O KUDDUS ALI, R/O BHAGAMUR, P.O.-KAWAIMARI, P.S.-SAMAGURI,
DIST-NAGAON (ASSAM), PIN-782140

2: NUR HUSSAIN
S/O SUNDAR ALI
R/O SHILLONGANI
P.S.-NAGAON SADAR
DIST- NAGAON
ASSAM
PIN-78214

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D SARMAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 30.07.2024

Heard Mr. D.Sharma, learned counsel for the petitioners as well as Mr.D.P.Goswami, learned Addl. P.P., Assam for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioners, namely, **1. Mastufa Ahmed** and **2. Nur Hussain** have prayed for grant of bail in connection with **Basistha P.S. Case No.473/2024** under Sections 379/429 IPC, R/W Sections 11(1)(d) of the Prevention of Cruelty to Animal Act, 1960, R/W Section 13(1)/16 of Assam Cattle Preservation (Amendment) Act, 2021.

The learned counsel for the petitioners submits that petitioners have been detained in judicial custody for last 33 days since their arrest on 27.06.2024. The petitioners are the driver and handyman of the vehicle from which 10 Nos. of cattle were recovered and they have failed to produce documents relating to the purchase of cattle. It is further submitted that cattle and the vehicle were already seized and as such, considering length of detention, the petitioners may be enlarged on bail.

The learned Addl.P.P. submits that case diary is not available. However, substantial part of the investigation is complete and as such, length of detention may be considered.

Having heard the learned counsel for the parties and on perusal of Forwarding report, FIR and the averments made in this petition and the fact that the substantial part of the investigation is complete as well as considering the length of detention, this court is inclined to grant the petitioners the privilege of bail.

Accordingly, it is provided that the petitioners named above shall be released on furnishing bail bond of **Rs. 20,000/-** each with a suitable surety each of like amount to the satisfaction of the learned **CJM, Kamrup (M), Guwahati**, subject to the following conditions;-

- (i) The petitioners shall not leave the territorial jurisdiction of

learned **CJM, Kamrup (M), Guwahati** without prior written permission from him/her;

- (ii) That the petitioners shall cooperate with the Investigating Officer as and when required;
- (iii) 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 Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

JUDGE

Comparing Assistant