

GAHC010144412024



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

Case No. : Bail Appln./2116/2024

FARUK SK

S/O LATE SOMSER ALI, R/O VILL AND P.O.-GERAMARI PART-I, P.S.-
GAURIPUR, DIST- DHUBRI, ASSAM, PIN-783339

VERSUS

THE STATE OF ASSAM

REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M ISLAM, MS A KHATUN
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

06.08.2024

Heard Mr. M. Islam, learned counsel appearing for the accused petitioner as well as Mr. R. J. Baruah, learned Addl. P.P., Assam appearing for the State respondent.

By filing this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Faruk Sk**, has prayed for grant of bail in connection with **Kazigaon P.S. Case No.84/2024 (GR No. 312/2024)** under Sections **303(2)/317(2)/317(4)** of the **Bharatiya Nyaya Sanhita (BNS), 2023** read with **Section 13(1) of the Assam Cattle Preservation Act, 2021**.

It is submitted by the learned counsel for the petitioner that the accused petitioner has been languishing in judicial custody for last one month and he is no way connected with the alleged offence. He was arrested purely on suspicion. However, considering the length of detention, prayer for bail may be considered to the petitioner.

On the other hand, Mr. R. J. Baruah, learned Additional Public Prosecutor has produced case diary and submits that he was arrested on the spot and he was the driver of the vehicle from which eight numbers of cattle were recovered and they failed to produce any document regarding transportation of such vehicle. Learned Additional Public Prosecutor has vehemently opposed in granting bail to the petitioner.

I have heard the learned counsel for both the parties and perused the case diary.

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.30,000/-** 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.

Return the case diary.

JUDGE

Comparing Assistant