

GAHC010150492024



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

Case No. : BA/2205/2024

SAMAD ALI @ SAMA ALI AND 3 ORS.
S/O BABUR ALI @ BABAR ALI
VILL- DOMONI
P.O.-KHAIRABARI
P.S.-BARPETA ROAD
DIST- BARPETA
ASSAM
PIN CODE-781315

2: SAHIDUL ISLAM
S/O LATE AHMAD ALI
VILL- NICHUKA
P.O.-KHAIRABARI
P.S.-BARPETA ROAD
DIST- BARPETA
ASSAM
PIN CODE-781315

3: AKHTAR HUSSAIN @ ABTAR HUSSAIN
S/O LATE ABDUL ALI
VILL- NICHUKA
P.O.-KHAIRABARI
P.S.-BARPETA ROAD
DIST- BARPETA
ASSAM
PIN CODE-781315

4: MUZAMMEL HUSSAIN @ MUJAMIL HUSSAIN
S/O KABIL HUSSAIN
VILL- BARALIAPAR
P.O.-KANDHBARI
P.S.- MUKALMUA
DIST- NALBARI
ASSAM

PIN CODE-781126
VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. A MANNAF
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 16.08.2024

Heard Mr. A. Mannaf, learned counsel for the petitioners. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State.

2. By this application filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, the accused petitioners namely, **(1) Samad Ali @ Sama Ali (2) Sahidul Islam (3) Akhtar Hussain @ Abtar Hussain (4) Muzammel Hussain @ Mujamil Hussain**, have prayed for bail in connection with **Golakganj P.S. Case No. 163/2024** under Section 13(1) of Assam Cattle Preservation Act, 2021 r/w Section 11 of Prevention of Cruelty to Animals Act, 1960.

3. It is submitted by the learned counsel for the petitioners that the petitioner No. 1 is the driver of the truck bearing Regd. No. AS-28-A-0508 from which 46 numbers of cattle were recovered. The other three accused persons are the helper and worker of the said truck. It is also submitted that the petitioners have been detained in custody for last 31 days since their arrest on 17.07.2024. Considering the background of the case as well as the length of detention, petitioners may be enlarged on bail.

4. Mr. Sarma, learned Additional Public Prosecutor for the State has produced the case diary and submits that considering the length of detention, bail may be granted to the petitioners.
5. I have considered the submissions of learned counsel for the parties. I have also perused the case diary.
6. It appears from the case diary that the petitioners were arrested on 17.07.2024 and since then they have been languishing in jail hazot. Considering the length of detention as well as the nature of offence as alleged in the FIR, this Court is inclined to grant bail to the petitioners.
7. Accordingly, the petitioners, named above, shall be released on bail in connection with **Golakganj P.S. Case No. 163/2024** under Section 13(1) of Assam Cattle Preservation Act, 2021 r/w Section 11 of Prevention of Cruelty to Animals Act, 1960, on furnishing bail bond of **Rs.30,000/-** each with one suitable surety each the like amount, to the satisfaction of learned CJM, Dhubri, Assam.
8. The direction for bail is further subject to the conditions that the petitioners:
 - (a) shall not leave the territorial jurisdiction of learned CJM, Dhubri, Assam without prior written permission from him/her;
 - (b) 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;
 - (c) shall not hamper with the investigation, or tamper with the evidence of the case.
9. In the view of the above, the bail application stands disposed of.

JUDGE

Comparing Assistant