

GAHC010156712024



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

Case No. : Bail Appln./2313/2024

ASHRAFUL ALOM
S/O FULAR UDDIN, R/O ALIKASH, P.S.-KHARUPETIA, DIST- DARRANG,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S MUNIR, MR. D ZAKARIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 16.08.2024

Heard Mr. S.Munir, learned counsel for the petitioner and Mr. B.Sharma,
learned Addl.P.P. for the State respondent.

By filing this petition under Section 483 of the Bharatiya Nagarik Surakshya
Sanhita, 2023 the accused-petitioner, namely, **Ashrafal Alom** has prayed for

grant of bail in connection with **Basistha P.S. Case No.549/2024** under Sections 303 (2) of BNS r/w Section 13 (1)/16 of the Assam Cattle Preservation (Amendment) Act r/w Section 11(1) (d) of Prevention of Cruelty to Animal Act

The learned counsel for the petitioner submits that petitioner is the driver of the vehicle bearing registration No. AS-01-RC- 3692 from which 31 nos. of cattle were recovered. It is true that at the time of detection, the petitioner could not produce any documents regarding ownership or transportation of the cattle in the vehicle. It is further submitted that there is purchase receipts/documents which presumes that those cattle are not stolen property and as such, the petitioner who is in judicial custody for last 19 days may be enlarged on bail.

The learned Addl.P.P. submits that case diary is not available today and as such, prays for some time to produce the case diary.

Be that as it may, having heard learned counsel for the parties and on perusal of the FIR, Forwarding report and considering the matter in its entirety, further custodial detention of the petitioner who is in custody for last 19 days, in the interest of investigation, is not warranted.

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

- (i) The petitioner shall not leave the territorial jurisdiction of learned **CJM, Kamrup (M), Guwahati** without prior written permission from him/her;
- (ii) That the petitioner shall cooperate with the Investigating Officer as and when required;

- (iii) That the petitioner 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