

GAHC010157062024



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

Case No. : Bail Appln./2300/2024

MD. ASHADUL ISLAM AND ANR
S/O LT. ABDUL ALI, VILL- PACHIM MUAMARI, P.S.-SAMAGURI, DIST-
NAGAON (ASSAM).

2: MD. DILDAR HUSSAIN
S/O MD. HAIDAR ALI
VILL- SIBASTHAN
P.S.-SAMAGURI
DIST-NAGAON (ASSAM)

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. G BORAH,
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

13.08.2024

Heard Mrs. G. Borah, learned counsel for the petitioners and Mr. D. P. Goswami, learned Additional Public Prosecutor, Assam.

By filing this petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the accused-petitioners, namely, **Md. Ashadul Islam and Md.**

Dildar Hussain, have prayed for grant of bail in connection with **Khetri P.S. Case No.99/2024** under Sections **303(2)/317(2)/3(5)** of **Bharatiya Nyaya Sanhita, 2023** read with **Section 11(1)(a)(d)(e)** of **Prevention of Cruelty to Animal Act, 1960** and read with **Section 13(1)/16** of **Assam Cattle Preservation (Amendment) Act, 2021**.

Case diary as called for is not received.

It is submitted by the learned counsel for the petitioners that the accused petitioners have been languishing in judicial custody for last 41 days since their arrest on 07.03.2024. It is further submitted that the petitioners are the driver and handyman of the vehicle bearing No. AS-01-RC-6814 from which 15 numbers of cattle were recovered and they were no way connected with the alleged offence. It is further submitted that the owner of the vehicle has already been enlarged on bail. Considering the length of detention, prayer for bail may be considered.

Mr. D. P. Goswami, learned Additional Public Prosecutor has submitted that considering the length of detention, bail may be granted to the petitioners.

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-petitioners is not necessary in the interest of investigation of the case.

Accordingly, the petitioners, named above, shall be released on bail, on furnishing bail bond of **Rs.20,000/- each** with **one suitable surety each** of the like amount, to the satisfaction of learned **Chief Judicial Magistrate, Kamrup(M), Guwahati**.

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, Kamrup(M), Guwahati 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.

JUDGE

Comparing Assistant