

GAHC010160152024



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

Case No. : Bail Appln./2382/2024

MD. RITUMONI HUSSAIN @ RITUMANI HUSSAIN
S/O TAHIRUN NESSA, R/O VILL- PACHATIA, WARD NO. 3, P.S. AND DIST-
MORIGAON (A)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R ALI, MR. T CHUTIA, R L CHUTIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 27.08. 2024

1. Heard Mr. R. Ali, learned counsel for the petitioner, Md. Ritumoni Hussain @ Ritumani Hussain.
2. The petitioner has filed this application under Section 483 of BNSS, 2023, with prayer for bail as he is behind bars since 26.07.2024 in connection with Khetri PS Case No. 119/2024 under Section 303(2)/ 317(2)(3)(5) of BNS, 2023 read with Section 11(1)(a)(d)(e) of the Prevention of Cruelty to Animals Act,

1960, read with Section 13(1)/ 16 of the Assam Cattle Preservation Act, 2021.

3. Also heard Mr. B.B. Gogoi, learned Addl. Public Prosecutor for the State respondent.

4. The case diary, as called for, is received and perused.

The FIR unfolds that on 26.07.2024 at about 6.55 a.m. the informant received a secret information that one container truck bearing registration No UP 14FT 6692 was stopped and checked up at Naka Checking at N.H. 27 where 14 heads of cattle were found inside the truck. The cattle were being carried in a cruel manner and were suffocated. The present petitioner is the driver and the owner of the vehicle and he could not produce any document regarding transportation of the cattle. The cattle were being transported to Meghalaya to be sold in a slaughter house.

5. The learned Addl. P.P. has raised serious objection against the prayer of the bail on the ground that there are sufficient incriminating materials available in the case diary against the present petitioner.

I have scrutinized the case diary. The investigation has substantially progressed to a considerable extent. Custodial detention may not be required. The cattle have been seized in connection with this case.

6. I have considered the length of detention and the progress of investigation.

Considering entire aspect of the matter, petition is allowed.

In view of the above, the petitioner named above shall be enlarged on bail on furnishing a bond of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned, Chief Judicial Magistrate, Kamrup (M), Guwahati in

connection with the aforesaid case under the following conditions that:-

1. the petitioner shall refrain from such activities with which he is alleged,
2. the petitioner shall cooperate with the reaming part of investigation and appear before the I.O. on every fortnight till completion of investigation.
3. the petitioner shall not leave the jurisdiction of the jurisdictional Court without prior permission from the Court.

On breach of any of the bail conditions, the bail order shall stand automatically cancelled.

Bail application stands disposed.

Return the case diary.

JUDGE

Comparing Assistant