

GAHC010164402024



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

Case No. : Bail Appln./2418/2024

ABDUR RAFIQUE
S/O LT. ABDUL MATLEB, R/O NETAJI NAGAR, WARD NO. 3, P.S.-
KHARUPETIA, DIST- DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. T J MAHANTA, A R MONDAL, MR A HAWARI, MR. S ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

20.08.2024

Heard Mr. T. J. Mahanta, learned Sr. counsel assisted by Mr. S. Islam, learned counsel appearing for the accused petitioner as well as Mr. B. Sarma, learned Addl. P.P., Assam appearing for the State respondent.

By filing this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Abdur Rafique**, has prayed for grant of bail in connection with **Kharupetia P.S. Case No.83/2024** under Sections **196(2)/299 of BNS & R/W Section 13(1)** of

Assam Cattle Preservation Act.

It is submitted by the learned counsel for the petitioner that the accused petitioner has been languishing in judicial custody for last 23 days since his arrest on 28.07.2024. He further submitted that on that day there was a religious festival in the house of the petitioner namely 'Aqiqah' of his son for which he purchased beef from a slaughter house. It is further submitted that the FIR is totally false and fabricated as he had no intention to harm the informant's community. Considering the nature of offence, prayer for bail may be considered.

On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor has produced the case diary and submitted that 70 kg of beef were recovered from the possession of the accused petitioner. However, bail may be granted to the petitioner with some stringent condition not to harm religious feeling of a particular community in future.

In view of the submission of learned counsel for both the parties and considering the nature of the offence, 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, Darrang, Mangaldoi**.

The direction for bail is further subject to the conditions that the petitioner:

- (a) shall not leave the territorial jurisdiction of learned Chief Judicial Magistrate, Darrang, Mangaldoi without prior written permission from him/her;
- (b) shall not hamper with the investigation, or tamper with the evidence of the case;
- (c) shall refrain from committing such type of offence in future.
- (d) 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