

GAHC010165002024



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

Case No. : Bail Appln./2455/2024

ABU TAHER KHAN
S/O ABU KALAM KHAN, R/O VILL- CHAMATA PATHAR (KAPALKATA), P.S.-
SONPUR, DIST-KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. Y SIKDAR, MR D J DAS
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

29.08.2024

Heard Mr. Y. Sikdar, learned counsel appearing for the accused petitioner as well as Mr. R. J. Baruah, learned Addl. P.P., Assam appearing for the State respondent.

By filing this petition under Section 483 of BNSS, 2023, the accused-petitioner, namely, **Abu Taher Khan**, has prayed for grant of bail in connection with **Sonapur P.S. Case No.157/2024 corresponding to G.R. No. 4412/2024** under Sections **303(2)/317(2)/3(5) of Bharatiya Nyaya Sanhita, 2023**,

R/W Section 11(1)(a)(b)(c) of Prevention of Cruelty to Animals Act r/w Section 13(1)/14 of the 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 31 days since his arrest on 29.07.2024. The allegation against the petitioner in the FIR is that the seized vehicle and the cattle were passed by the present petitioner and the cattle owner paid him Rs.50,000/- for passing the vehicle and the cattle. According to the learned counsel for the petitioner, as per statement of the driver of the vehicle from which the cattle were recovered, the petitioner was arrested but he was no way connected with the alleged offence. Considering the length of detention, prayer for bail may be considered.

Mr. R. J. Baruah, learned Additional Public Prosecutor has produced the case diary and submitted that length of detention may be considered.

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-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, Kamrup(M)**.

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, Kamrup(M) 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.

Return the case diary.

JUDGE

Comparing Assistant