

GAHC010169342024



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

Case No. : Bail Appln./2513/2024

MOSLIM UDDIN @ MUSLIMUDDIN AND 2 ORS
S/O ABDUS SALAM, R/O VILL- 30 BIGHA, P.S.-SOUTH SALMARA, DIST-
DHUBRI, ASSAM

2: SADAGAR ALI @ SODAGAR ALI
S/O ROHIM BAKSHO
R/O VILL- 30 BIGHA
P.S.-SOUTH SALMARA
DIST- DHUBRI
ASSAM

3: AMIRUL ISLAM @ TARA MIYA
S/O KHUSHALUDDIN
R/O VILL- OLD CHOWKICHAR
P.S.-SOUTH SALMARA
DIST- DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A W AMAN, SAMIM RAHMAN, MR S A BARBHUYAN, MS
SURAYA RAHMAN, MR. SURAJIT DAS, MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

22.08.2024

Heard Mr. S. Das, learned counsel appearing for the accused petitioners as well as Mr. D. P. Goswami, learned Addl. P.P., Assam appearing for the State respondent.

By filing this petition under Section 439 Cr.P.C., the accused-petitioners, namely, **(1) Moslim Uddin @ Muslimuddin (2) Sadagar Ali @ Sodagar Ali and (3) Amirul Islam @ Tara Miya**, have prayed for grant of bail in connection with **South Salmara P.S. Case No.138/2024** under Sections **303(2)/317(2) BNS R/W Section 13(i)/16 of Assam Cattle Preservation Act, 2021**.

It is submitted by the learned counsel for the petitioners that the accused petitioners have been languishing in judicial custody for last 31 days since their arrest on 22.07.2024. It is further submitted that the petitioners were apprehended along with three cattle and they were the laboureres employed by one person. Considering the length of detention, prayer for bail may be considered.

Mr. D. P. Goswami, learned Additional Public Prosecutor has made no objection in granting bail 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 **30,000/- each** with **one suitable surety each** of the like amount, to the satisfaction of learned **Chief Judicial Magistrate, Mankachar**.

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,

Mankachar 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 them 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