

GAHC010202512024



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

Case No. : Bail Appln./2950/2024

MD MUKTAJ ALI ALIAS MUKLES ALI
S/O MD. NURUL AMIN
R/O VILL- SONAI BARI
P.S. SAMAGURI
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. P BORDOLOI, MS. P BORAH, MR. M ALAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

22-10-2024

Heard Mr. P. Bordoloi, learned counsel for the petitioner and Mr. B. Sharma, learned Additional Public Prosecutor, Assam for the State.

2) By this application filed under Section 483 of the BNSS, 2023, the petitioner, namely, **Md. Muktaj Ali @ Mukles Ali**, son of Md. Nurul Amin, resident of Village - Sonai Bari, District - Nagaon is seeking bail in connection with **Behali P.S. Case No. 80/2024** corresponding to G.R. No. 407/2024 registered under Sections 305/331(2)/324(4)/132/109/307/3(5) of BNS, 2023, read with Section 13 of the Assam Cattle Preservation Act, 2021, read with Sections 11(1) (a) (d) (e) of the Prevention of Cruelty to Animal Act, 2022, wherein he was arrested on 09.09.2024 and since then is in custody.

3) As per the FIR of the case dated 09.09.2024, the Sub Inspector of Gingia Police Station lodged an FIR before the Officer-in-Charge of Behali Police Station stating that in the early morning of 09.09.2024 at around 03:00 am on receiving an information from the specific source about the presence of a team of cow thieves in the Biswanath area from Nagaon District, the said information was relayed to the higher authorities of Biswanath District, which was accordingly, instructed to all police stations to conduct immediate night patrols in their concerned jurisdictional areas.

4) During the checking conducted by police team at the NH-15 of Bedeti Area, the concerned police patrol team noticed a white colour Maruti Fronx Car bearing Registration No.AS-01/FR-5730 proceeding towards Biswanath Chariali

side at a high speed. Though the said vehicle was signaled to stop but it did not carry out the order and rather attempted to hit the police personnel and it fled away towards Gingia Police Station. On receiving such information, police personnel from Gingia Police Station blocked the road near Dekorai Bridge to intercept the said fleeing vehicle. Noticing the interception, the said white colour Maruti Vehicle diverted it towards Biswanath Chariali and the informant along with his police team followed the said speeding fleeing vehicle. During such process in Gorehagi area, the said white colour Maruti Vehicle collided with the vehicle of the informant police personnel and even they tried to kill them by such collision. Because of such collision the fleeing vehicle was damaged and had to stop at the site of occurrence, in which the accused persons sustained injuries. In the said accident the police personnel vehicle was also damaged and some of the police personal sustained injuries.

5) During search of the said vehicle two cows were found inside it and accordingly, those two cows were recovered. Based on the confession of the driver of the said fleeing vehicle, i.e., the petitioner and another accused person found in the said vehicle, were apprehended and police came to know that there was a third suspect, who managed to escape from the said vehicle, under the cover of darkness, who is yet to be apprehended as he is evading arrest.

6) During investigation, police personnel came to know that the recovered cows were stolen from the cowshed of Sri Bijoy Chamlagain of village – Nij Behali under Behali Police Station of District Biswanath on the night of 08.09.2024 and 09.09.2024.

7) From the case diary placed before the Court today by Mr. B. Sharma, learned Addl. PP, Assam, it is seen that both the cows recovered from the white colour Maruti vehicle has been handed over to the said owner Sri Bijoy

Chamlagain.

8) From the case diary, it is also seen that the petitioner was driving the said vehicle involved in the case and that he is also the owner of the said white colour Maruti Fronx Car bearing Registration No.AS-01/FR-5730 and admitted the fact that they had stolen both the cows from Behali.

9) Since both the cows have already been recovered on the night of 08.09.2024 and 09.09.2024 and has already been handed over to their owner and finding that the petitioner is in custody since 09.09.2024 in said Behali P.S. Case No. 80/2024, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate said Behali P.S. Case No. 80/2024 and as such, this bail application of the petitioner is accepted.

10) Accordingly, the petitioner, namely, **Md. Muktaj Ali @ Mukles Ali** shall be released on bail in said **Behali P.S. Case No. 80/2024** on furnishing a bail bond of Rs. 50,000/- with two local sureties of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Biswanath on conditions that the petitioner **(i)** shall appear before the Investigating Officer of said Behali P.S. Case No. 80/2024 as and when he is required for necessary investigation of said Behali P.S. Case; **(ii)** shall not leave the territorial jurisdiction of the Behali Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** shall not hamper with the investigation, or tamper with the evidence of the case; **(iv)** 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 and **(v)** shall not involve himself with any criminal activities.

11) Any violation of the aforesaid terms and conditions by the petitioner,

named above, the bail granted to him in the aforementioned Behali P.S. Case No. 80/2024 shall stand automatically vacated.

12) Bail application is accordingly stands allowed.

13) Return the case diary.

JUDGE

Comparing Assistant