

GAHC010203162024



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

Case No. : Bail Appln./2985/2024

MD RAMJAN ALI
S/O NURKARIM ALI, VILL- GOLDIGOLA, P.S.-MUKALMUA, DIST-
NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. T SOM, MS. U HAZARIKA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

30.09.2024

1. Heard Ms. T. Som, learned counsel for the petitioner Md Ramjan Ali.
2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 05.09.2024 in connection with North Guwahati P.S. Case No. 123/2024

registered under Sections 303(2)/317(2)/281/325 of the BNS read with Section 3(5)/11(1)(a)/11(1)(d)/11(1)(e) of Prevention Cruelty to Animal Act read with Section 13(1) of Assam Cattle Preservation Act.

3. Heard Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioner is that he was involved in smuggling of cattle. In a small car of Venue model, 3 heads of cattle were being transported and due to the cruelty subjected to animals, 1 cow died while being transported.

5. Learned Additional Public Prosecutor has raised objection against the bail petition stating that Case Diary is required to consider the bail petition.

6. I have considered the submission at the Bar with circumspection.

7. It appears that investigation may have progressed to a considerable extent. It appears that further custodial detention may not be required for the progress of investigation. I have considered the submission that the petitioner is willing to abide by any stringent bail conditions, if imposed upon him.

8. Considering all aspects, petition is allowed. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the learned CJM, Amingaon under the condition that:

(i) The petitioner shall refrain from such activities with which he is alleged, failing which bail order shall stand automatically cancelled.

9. In terms of the above observation, bail application stands disposed of.

JUDGE

Comparing Assistant