

GAHC010206072024



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

Case No. : Bail Appln./3005/2024

JIYARUL ISLAM
S/O OSMAN ALI
R/O VILL- PACHIM BARBILA,
P.O. MANIKPUR
P.S.MANIKPUR
DIST. BONGAIGAON, ASSAM
PIN-781308

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR B M DEKA, MR R.AHMED,MS LR KHANAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 30.09.2024

Heard Mr. B.M. Deka, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor appearing for the State.

2. By this application filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, the accused petitioner namely, **Jiyarul Islam**, has prayed for bail in connection with **Manikpur P.S. Case No. 123/2024** under Section 303(2) of BNS, 2023 r/w Section 13(1) of Assam Cattle Preservation Act.

3. The learned counsel for the petitioner submits that the petitioner has detained in custody since 13.09.2024. It is also submitted that the stolen cattle were recovered from other two co-accused persons, not from the possession of the present petitioner. It is further submitted that co-accused persons were granted bail by the learned trial court. The stolen cattle have already been recovered as such, there is nothing remain to investigate the case. Considering the period of detention as well as the background of the case, the petitioner may be enlarged on bail.

4. On the other hand, Mr. Goswami, learned Additional Public Prosecutor for the State submits the prayer of the petitioner may be considered after receipt of the case diary.

5. I have considered the submissions made by the parties. I have also perused the averments made in the petition.

6. It appears that the stolen cattle have already been recovered and the other two co-accused persons were granted bail by the learned trial court. Considering the fact as well as the length of detention of the petitioner, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary for the purpose of investigation of the case.

7. Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Manikpur P.S. Case No. 123/2024** under Section 303(2) of BNS, 2023 r/w Section 13(1) of Assam Cattle Preservation Act, on furnishing bail bond of **Rs.40,000/- with a suitable surety** of the like amount to the satisfaction of learned CJM, Bongaigaon, Assam.

8. The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned CJM, Bongaigaon, Assam, without prior written permission from him/her;

(b) 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.

(c) shall not commit such offence as alleged in the FIR in future.

9. Violation or breach of any condition(s) shall render cancellation of bail.

10. In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant