

GAHC010211092024



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

Case No. : Bail Appln./3075/2024

MD. ABUL BACHAR AND ANR
S/O MD. NUR MOHHAMAD, R/O VILL- PUTI KATI, P.S.-RUPAHIHAT, DIST-
NAGAON, ASSAM

2: MD. IMAN HUSSAIN
S/O MD. ZABBAR ALI
R/O VILL- BARBHETI
P.S.-NAGAON
DIST- NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. T CHUTIA, MS S NASRAT

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

04.10.2024

Heard Mr. T. Chutia, learned counsel appearing for the petitioners and Mr. B. Sarma, learned Additional Public Prosecutor, Assam, for the State.

2) By this application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners, namely, (i) **Md. Abul Bachar**, Son of

Md. Nur Mohammed and (ii) **Md. Iman Hussain**, Son of Md. Jabbar Ali are praying for their bail in connection with **Sootea Police Station Case No. 81/2024** registered under Sections 281/303(2)/317(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Section 13(1) of the Assam Cattle Preservation Act, 2021 read with Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960, wherein they were arrested on 04.08.2024 and in custody, since then.

3) As per the FIR of the case dated 03.09.2024, in the morning on the said date information over phone was received informing from local public of village Meteragaon informing that a Truck bearing registration No. AS-21-AC-2160 with 16 nos. of cattle being transported in a cruel manner, while travelling in the wrong direction from Biswanath Chariali towards Tezpur collided with an electric pole, then it fell down on the road near NH-15 at village Meteragaon. On reaching the place of the incident, the police enquired the driver and handyman of the said offending vehicle. They failed to produce any documents of the said vehicle as well as the cattle in the said Truck that led to the suspicion that they were carrying stolen cattle for sale outside the State of Assam. Those cattle were seized from the place of the incident preparing the seizure list and the petitioners, i.e., the driver and handyman of said offending vehicle were apprehended. Said fact was placed by the concerned Sub-Inspector, in-charge of Itakhula Outpost, under Sootea Police Station, district Biswanath, in a written form on 03.09.2024 that was registered as said Sootea P.S Case No. 81/2024 corresponding to G.R. Case No. 395/2024.

4) Perused the FIR of the case dated 03.09.2024 and the Forwarding Report dated 04.08.2024, submitted by the Investigating Officer of said Sootea P.S Case No. 81/2024, relating to the petitioners submitted before the learned Chief Judicial Magistrate, Biswanath, Assam forwarding both the accused persons for their Judicial Custody, annexed in this bail petition.

5) In view of the above and considering the detention of the petitioners in custody in said Sootea P.S Case No. 81/2024 since 04.08.2024, the Court is of the view that further custodial detention of the petitioners, named above, in said Sootea P.S. Case, are not warranted.

6) Accordingly, the petitioners, namely, (i) **Md. Abul Bachar**, Son of Md. Nur Mohammed and (ii) **Md. Iman Hussain**, Son of Md. Jabbar Ali be released on bail in said **Sootea P.S. Case No. 81/2024** on their furnishing bail bonds of Rs 1,00,000/- each with 2 (two) local sureties each of the like amount, one of which shall be a Government Employee (Central and/or State of Assam), to the satisfaction of the learned Chief Judicial Magistrate, Biswanath, Assam, on conditions that the petitioners shall-

(i) appear before the Investigation Officer of said Sootea P.S Case No. 81/2024, as and when they are required for necessary investigation of the case and also shall appear before the Court in the said Sootea P.S. Case;

(ii) not leave the territorial jurisdiction of the learned Chief Judicial Magistrate, Biswanath, Assam, without obtaining prior written permission from the concerned Investigating Officer of the case;

(iii) not hamper with the investigation, or tamper with the evidence of the case and

(iv) 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.

7) Failure on the part of either of the petitioners to comply with the above directions, bail granted to both the petitioners, named above, in the aforementioned Sootea P.S Case No. 81/2024, shall stand automatically vacated.

8) With the above observations and directions, this bail application of the

petitioners, stands allowed to the extent above.

JUDGE

Comparing Assistant