

GAHC010226382024



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

Case No. : AB/2874/2024

NUR HOQUE ALI AND 2 ORS.
S/O MUNNACH ALI, R/O VILL- NO. 1 GARUGAON, P.S.-GARUGAON, DIST-
BONGAIGAON, ASSAM

2: TASER ALI
S/O MUNNACH ALI
R/O VILL- NO. 1 GARUGAON
P.S.-GARUGAON
DIST-BONGAIGAON
ASSAM

3: ABU TAHER ALI
S/O SAMSER ALI
R/O VILL- NO. 1 GARUGAON
P.S.-GARUGAON
DIST-BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M KHAN, MS J AKTAR, MR A K DAS

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

03.12.2024

Heard Mr. J Aktar, learned counsel for the petitioners and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State.

2. By this application filed under Section 482 BNSS, 2023 the petitioners, namely, **(i) Nur Hoque Ali**, son of Munnach Ali; **(ii) Taser Ali**, son of Munnach Ali and **(iii) Abu Taher Ali**, son of Samser Ali, all resident of village-No.1 Garugaon, Police Station-Garugaon, District-Bongaigaon, apprehending their arrest have prayed for their pre-arrest bail in **Bongaigaon Police Station Case No. 285/2024**, registered under Sections 331(4)/305(a) BNS, 2023.

3. The complainant, on 21.08.2024, lodged a written FIR before the Officer-in-Charge of Bongaigaon Police Station alleging that on the night of 20.08.2024 at around 2:30 AM, some unknown persons have taken away cows from his cowshed as well as from other persons of said village-No.1 Garugaon, altogether 6 (six) numbers of cattle.

4. During investigation, police arrested the co-accused persons of the case, namely, Sahjahan Ali, Mofidul Islam, Mannat Ali and Robiul Ali, who, during interrogation, admitted of stealing the cows from the informant/complainant and others of the said village.

5. All the arrested accused persons of the case led the police personnel to house of the petitioners, wherein, one cow was recovered from the house of the petitioner No.1 and two cows were recovered from the house of the petitioner No.2 and thereafter, the cows were handed over to their actual owners.

6. As such, the petitioners, named above, apprehending their arrest, have filed this pre-arrest bail application in said Bongaigaon P.S. Case.

7. Mr. Parashar, learned Additional Public Prosecutor, Assam has placed the relevant case diary pertaining to Bongaigaon P.S. Case No. 285/2024.

8. Mr. Parashar, learned APP, Assam from the case diary submits that there is no such incriminating material in the case diary against the petitioner No.1, namely, **Nur Hoque Ali**. But the petitioner No.2, **Taser Ali** and petitioner No. 3 **Abu Taher Ali**, have purchased those stolen cows from the arrested accused persons, that are already recovered.

9. Mr. Parashar, learned APP, Assam further submits that 3 (three) more cows stolen by the arrested accused persons of the case are yet to be recovered.

10. Considering such materials in the case diary, this pre-arrest bail application of the petitioners, named above, in said Bongaigaon P.S. Case No. 285/2024 is accepted.

11. Accordingly, it is provided that in the event of arrest of the petitioner No. 1, namely, **Nur Hoque Ali**, petitioner No.2, namely, **Taser Ali** and petitioner No.3, namely, **Abu Taher Ali** in said Bongaigaon P.S. Case No. 285/2024, shall be released on bail, on furnishing bail bond of Rs 45,000/- each, with 2 (two) local sureties, each of the like amount, to the satisfaction of the arresting authority, on conditions that the petitioner Nos. 1, 2 and 3, named above, – **(i)** shall appear before the Investigating Officer of said Bongaigaon P.S. Case No. 285/2024 on or before **07.12.2024** during the office hours and thereafter, as and when they are required, for necessary investigation of said Bongaigaon P.S. Case; **(ii)** shall not leave the territorial jurisdiction of the Bongaigaon 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)** they shall not involve themselves in any criminal activities in the future.

12. Any violation of the aforesaid terms and conditions by the petitioner Nos. 1, 2 and 3, named above, the pre-arrest bail granted to them in said Bongaigaon P.S. Case No. 285/2024 shall stand automatically vacated.

13. This pre-arrest bail application of the accordingly stands disposed of.

14. Return the case diary herewith.

JUDGE

Comparing Assistant