

GAHC010245942024



2024:GAU-AS:12359

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

Case No. : Bail Appln./3572/2024

MD SAHJAMAL HAQUE AND ANR
S/O SAMAUUL HAQUE
R/O VILL- SAMPUPORA PATHAR CHHAYGAON BOKO, P.S. CHHAYGAON
DIST. KAMRUP, ASSAM

2: MANUWAR HUSSAIN

S/O FAIJUL HUSSAIN
R/O VILL- KHETATSHAR
P.O. AND P.S. KHARUPETIA

DIST. DARRANG
ASSA

VERSUS

THE STATE OF ASSAM,
REP BY THE PP, ASSAM

Advocate for the Petitioner : DR. D J DEKA, MR KUTUB ALI

Advocate for the Respondent : PP, ASSAM,

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

ORDER

06.12.2024

Heard Dr. D J Deka, learned counsel for the petitioners and Ms. N Das, learned Additional Public Prosecutor, Assam, for the State.

2) By this application filed under Section 483 BNSS, 2023, the petitioners, namely, **(i) Md. Sahjamalal Haque**, son of Samaul Haque, resident of village-Sampupora Pathar, Chhaygaon, Boko; Police Station-Chhaygaon, District-Kamrup, Assam and **(ii) Manuwar Hussain**, son of Faijul Hussain, resident of village-Khetashar, Police Station-Kharupetia, District-Darrang, have prayed for their bail in **Chandmari Police Station Case No. 278/2024**, registered under Sections 303(2)/3(5)/317(2) BNS, 2023 read with Sections 11(1)(a) of the Prevention of Cruelty to Animals Act, 1960, corresponding to G.R. No. 6763/2024, in which, they were arrested on 14.11.2024 and are in custody since then.

3) As per the FIR dated 14.11.2024 lodged by one Sub Inspector of Police of Chandmari Police Station, Guwahati before the Officer-in-Charge of Chandmari Police Station, the case is that on receipt of specific information on 14.11.2024 at around 6 P.M. that a vehicle filled with stolen goats are on their way from Jalukbari side towards Bamunimaidan Bazaar, Chandmari for their sale, accordingly, after making G.D. Entry No. 17/2024 dated-14.11.2024, police personnel from Chandmari Police Station spread out to find out the said vehicle. After intercepting a family sedan, i.e., a Maruti Suzuki Baleno vehicle bearing registration No.AS-01-EL-2550 at Anuradha, Bamunimaidan, Chandmari, during its search in presence of independent witnesses, police personnel from Chandmari Police Station found 11 (eleven) Nos. of goats, tied on their legs by ropes and their mouth by tapes, kept in cruel condition, one of which was pregnant, all suspected to be stolen, inside the said vehicle with 3 (three) persons on the said car, one of which was a child of 16 years of age. Accordingly, all the three persons were apprehended and the 11 numbers of goats as well as the car were seized following the due procedure.

4) During interrogation of the apprehended persons, they revealed that the goats were stolen from different parts of Darrang district.

5) Later, on 15.11.2024, the petitioners were produced before the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati.

6) Dr. D J Deka, learned counsel for the petitioners, submitted that the petitioners are no way connected with the case and that all those seized goats were being taken by them to Bamunimaidan Bazaar, Chandmari, as per the direction given to them by the owners of the said goats, so as to deliver those goats to a meat seller at Bamunimaidan Bazaar.

7) It is stated that the petitioner No.1 is the driver and the petitioner No. 2 is the helper of the said seized vehicle and considering their detention in custody, since 14.11.2024, Mr. Deka, learned counsel has prayed for release of the petitioners on bail in said Chandmari P.S. Case No. 278/2024 in any terms and conditions that may be imposed upon them.

8) Perused the case diary placed before the Court today by Ms. N Das, learned Additional Public Prosecutor, Assam.

9) From the case diary, it is seen that it is an organised crime where many people are involved, including some officials.

10) It is also seen from the case diary that the goats were tied in their legs and their mouths were tied by tapes. Amongst the eleven seized goats, there was also a pregnant goat.

11) Considering the materials in the case diary and the investigation so far made by the concerned Investigating Officer of the case, the Court is of the view that further custodial detention of the petitioners, namely, **(i) Md. Sahjamalal Haque,** and **(ii) Manuwar Hussain,** in said Chandmari P.S. Case No. 278/2024 are not warranted for investigation of the said case. As such, this bail application of the petitioners, named above, in said Chandmari P.S. Case No. 278/2024 is accepted.

12) However, it is seen that some of the accused persons involved in the crime are yet to be apprehended, who are evading police.

13) Accordingly, the petitioners, namely, **(i) Md. Sahjamalal Haque,** and **(ii) Manuwar Hussain,** be released on bail in said Chandmari P.S. Case No. 278/2024 on furnishing a bail bond of Rs. 50,000/- each, with 2(two) local sureties, each of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati, subject to the conditions that petitioners, named above —

i) shall appear before the concerned Investigating Officer of said Chandmari P.S. Case No. 278/2024, for the next two English calendar months on every Monday, commencing from 16.12.2024 during the day hours or till filing of the Charge Sheet in the case, whichever is earlier and further, as and when they are required for necessary investigation

of the said case;

ii) shall not leave the territorial jurisdiction of Chandmari Police Station, without obtaining prior written permission from the concerned Investigating Officer of Chandmari P.S. Case No. 278/2024;

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 themselves in any criminal activities in the future.

14) Any violation of the aforesaid terms and conditions by the petitioners, namely, (i) **Md. Sahjamalal Haque**, and (ii) **Manuwar Hussain**, the bail granted to them in said Chandmari P.S. Case No. 278/2024 shall stand automatically vacated.

15) This bail application accordingly stands allowed.

16) Return the Case Diary herewith.

JUDGE

Comparing Assistant