

GAHC010246702024



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

Case No. : Bail Appln./3543/2024

ARFAT ALI
S/O LATE ABDUL HASU,
RESIDENT OF VILLAGE GERUAMUKH, PS KHATUWAL, DIST NAGAON,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. V A CHOWDHURY, MR. D K BAIDYA, MR. D GAGAI, MR. A M BORA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

02.12.2024

Heard Mr. A M Bora, learned senior counsel for the petitioner, assisted by Mr. D Gagai, Advocate and Mr. R R Kaushik, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 483 of the BNSS,2023 by the petitioner, namely, Arfat Ali, praying for release on bail, who was arrested in connection with Samaguri P.S. Case No. 244/2024.

On 01.10.2024, one Kuddus Ali had lodged an FIR before Police alleging that, at about 4 AM, he discovered that a cow along with a calf was missing from his cowshed. Subsequently, he came to know that Police recovered his cow along with other cows from a vehicle bearing Registration No. AS-02-DC-5447.

In the Police Forwarding Report, it has been mentioned that the petitioner has been habitually involved in such offences. It has been stated that Police has registered similar cases against him on other occasions also.

Mr. Bora has submitted that the mandatory Notice under Section 41 CrPC was also not issued against the present petitioner.

I have considered the submission made by the learned counsel of both sides. Petitioner has already completed 23 [twenty-three] days in judicial custody.

Under the given circumstances of the case, this Court is of the opinion that the petitioner no longer deserves to be detained in custody. Hence, the prayer for bail of the petitioner is allowed.

Accordingly, the petitioner, Arfat Ali, who was arrested in connection with Samaguri P.S. Case No. 244/2024, shall be released on bail of Rs.20,000/- with one surety of like amount to the satisfaction of the learned SDJM (M), Koliabor.

The bail application is disposed of.

JUDGE

Comparing Assistant