

GAHC010250472024



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

Case No. : Bail Appln./3619/2024

MAHAMMAD ULLAH AND ANR
S/O ABDUL KUDDUS
VILL- BHAGAMUR
P.S. SAMAGURI
DIST. NAGAON, ASSAM
PIN-782140

2: RASIDUL HOQUE
S/O SULTAN ALI
VILL- BORMA
P.S. SAMAGURI
DIST. NAGAON
ASSAM
PIN--78214

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. D SARMAH, B. D. KAKATI, S. J. SAHARIAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 29-11-2024

Heard Mr. D. Sarmah, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, the learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 483 of the BNSS, praying for bail to the accused/petitioners, who have been languishing in jail since 08.11.2024 in connection with Basistha Police Station Case No. 798/2024, under Section 303(2) of the BNS, R/W Section 11(1)(d) of Prevention of Cruelty to Animal Act, 1960 and R/W Section 13(1)/16 of the Assam Cattle Preservation (Amendment) Act, 2021.

It is submitted by Mr. Sarmah, learned counsel for the petitioner that these petitioners are the driver and helper of the truck which were seized in connection with this case and 7 nos. of cattle were recovered from the truck. It is further submitted that the petitioner is behind the Bar since 08.07.2024 and hence considering their length of detention, they may be enlarged on bail as well as they are still ready and willing to co-operate with the I. O. in further investigating of the case, if the same is granted.

Mr. Goswami further submitted that the cattle are recovered and vehicle is recovered in connection with this case.

Considering the submissions of learned counsels for both sides and also considering the length of detention already undergone by the accused/petitioners, I am of the view that the I.O. has got ample opportunity to interrogate the accused/ petitioners keeping them in the custody and accordingly, further custodial interrogation of the accused/petitioners seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), the accused/petitioners, namely [1] Mahammad Ullah and [2] Rasidul Hoque, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall make themselves available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioners 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; and

- (iii) that the petitioners shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup without prior permission.

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

JUDGE

Comparing Assistant