GAHC010259842024

2024:GAU-AS:12759

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

Case No. : Bail Appln./ 3674/2024

FAZLUR RAHMAN
S/O LATE DEWAN ABBU BAKKAR SIDDIQUE

R/O HALODIYA PATHAR

P.O. KALGACHIA
P.S. KALGACHIA

DIST. BARPETA
ASSAM
PIN-781319

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : MS. S B CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

16.12.2024

Heard Mr. S B Choudhury, learned counsel for the petitioner and Mr. K K Parashar, learned Additional Public Prosecutor, Assam, for the State.

2) By this application filed under Section 483 BNSS, 2023, the petitioner, namely, **Fazlur Rahman,** son of Late Dewan Abbu Bakkar Siddique, resident of Halodiya Pathar, Police Station-Kalagachia, District-Barpeta, is praying for his bail in **Garchuk Police Station Case No. 351/2024**, registered under Sections 303(2)/317(2) BNS, 2023 read with Section 7 of the Assam Cattle Preservation Act, 2021 and read with Section 11 of the Prevention of Cruelty to Animal Act, 1960, corresponding to G.R. No. 6558/2024, wherein, he was arrested on 05.11.2024 and is in custody since then.

3) As per the FIR dated 05.11.2024 lodged by the complainant, the case is that on the night of 05.11.2024 at around 3:30 AM during naka checking at NH-27, a Tata truck bearing registration No. AS-26-AC-1949 was found coming from Jalukbari side towards Khanapara, escorted by one Maruti Suzuki vehicle bearing registration No. AS-23-K-0755, who avoided police signal and tried to fled away from the scene. But somehow, police personnel managed to apprehend both the vehicles.

4) The said truck was driven by one Afsar Ali and the helper of the Truck was one Abdul Kuddush and in the said truck, 30 (thirty) Nos. of cattle were found, out of which, 14 (fourteen) Nos. of cattle were already dead. On being enquired, the driver as well as the helper of the said truck failed to produce any documents relating to the ownership of the cattle, held in their truck.

5) From the said Maruti Suzuki vehicle, two occupants, namely Amarjyoti Kalita, who was the driver of the said vehicle and one Fazlur Rahman were apprehended and they also failed to place any relevant documents relating to the ownership of the cattle. Accordingly, all the accused persons were apprehended and the cattle were seized by the police.

6) On the basis of the said FIR of the complainant, Garchuk Police Station Case No. 351/2024

under Sections 303(2)/317(2) BNS, 2023 read with Section 7 of the Assam Cattle Preservation Act, 2021 and read with Section 11 of the Prevention of Cruelty to Animal Act, 1960, corresponding to G.R. No. 6558/2024, was registered.

7) During investigation, two other accused persons, namely, Md. Maichan Khan and Nazir Hussain were arrested and during investigation, it was found that they used to work as agents of another accused person of the case, namely, Mustafijur Rahman, who used to illegally transport cattle by using the said Tata truck bearing registration No. AS-26-AC-1949.

8) As both the vehicles, i.e., the Tata truck as well as the Maurti Suzuki vehicle, along with the 16 (sixteen) Nos. of live cattle have already been seized by the police, considering the detention of the petitioner in custody, since 05.11.2024, the Court is of the view that further custodial detention of the petitioner in said Garchuk P.S. Case No. 351/2024 is not warranted for investigation of the said case. As such, this bail application of the petitioner in said Garchuk P.S. Case No. 351/2024 is hereby accepted.

9) Accordingly, the petitioner, namely, **Fazlur Rahman,** son of Late Dewan Abbu Bakkar Siddique, be released on bail in said Garchuk P.S. Case No. 351/2024 on furnishing a bail bond of Rs. 45,000/- with 2(two) local sureties, each of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, subject to the conditions that the petitioner, named above —

i) shall appear before the concerned Investigating Officer of said Garchuk P.S. Case No. 351/2024, as and when he is required for in the said case;

ii) shall not leave the territorial jurisdiction of said Garchuk Police Station, without obtaining prior written permission from the concerned Investigating Officer of the said 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) shall not involve himself in any criminal activities in the future.

10) Any violation of the aforesaid terms and conditions by the petitioner, namely, **Fazlur Rahman,** son of Late Dewan Abbu Bakkar Siddique, the bail granted to him in said Garchuk P.S. Case No. 351/2024 shall stand automatically vacated.

11) This bail application accordingly stands disposed of.

12) Return the Case Diary herewith.

JUDGE

Comparing Assistant