

GAHC010259952024



2024:GAU-AS:13005

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

**Case No. : Bail Appln./3765/2024**

SHARIF UDDIN AND ANR.  
S/O LT. ABDULHAMID  
R/O VILL- PUB JARONI  
P.O.KOROLGURI, P.S. MURAJHAR  
DIST. HOJAI, ASSAM, PIN NO. 782439.

2: SUFIA KHATUN  
W/O SHARIF UDDIN  
R/O VILL- PUB JARONI  
P.O.KOROLGURI  
P.S. MURAJHAR  
DIST. HOJAI ASSAM  
PIN NO. 782439

VERSUS

THE STATE OF ASSAM  
REP BY THE PP, ASSAM

**Advocate for the Petitioner** : F K R AHMED, MRS. H THAKURIA, J UDDIN

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**

**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

**19/12/2024**

Heard Mr. F K R Ahmed, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State respondent.

2. This application under Section 483 of BNSS, 2023 has been filed by the petitioners, namely, **(1) Sharif Uddin**, son of Lt. Abdul Hamid and **(2) Sufia Khatun**, wife of Sharif Uddin, both are resident of Village-Pub Jaroni, P.S. Murajhar, seeking bail in **Murajhar P.S. Case No. 209/2024** registered under Sections 61(2)/325/303(2)/109 BNS read with Section 13(1) of the Cattle Preservation Act, 2021 and read with Section 11 of the Prevention of Cruelty to Animal Act, 1960, wherein they were arrested on 09.11.2024 and are in custody since then.

3. As per the FIR dated 09.11.2024 filed before the Officer-in-Charge of Murajhar Police Station, the case is that some persons of village-Gonipur, Ambari, Rowarpara, Pabijuri, Rahmat Nagar had stolen cattle from different location for slaughtering and selling their meats in different places. Police personnel from Murajhar Police Station with their respective teams proceeded to village-Goniarpar, Samarali Bazar etc. under the jurisdiction of Murajhar Police station and to take action accordingly. On reaching the campus of the petitioners, it was found that some persons were busy in cutting, cleaning and chopping the cattle meat and some motor cycles were also found parked near the said temporary slaughter house of the petitioners. When police tried to apprehend persons involved in slaughtering the cattle, they faced resistance and in fact chased them by dao trying to assault them with intention to kill. Seeing police personnel, people gathered in the said temporary house of slaughters fled away to the paddy field and somehow the petitioner No. 1 of Village-Pub Jaroni was apprehended and during search of his house three slaughtered cattle were recovered along with their head, skin, tail and raw meat, all weighing about 194 kgs. Accordingly, those along with three mobile phones, one alive cattle, 5 nos. of motor cycles were seized and the petitioner No. 1 along with his wife petitioner No. 2 were also apprehended as both of them were involved in such illegal business since long. Accordingly, Murajhar P.S. Case No. 209/2024 was registered.

4. After apprehending the petitioners both of them were produced before the Court of learned Judicial Magistrate, First Class, Hojai, Sankardev Nagar on 09.11.2024 (holiday being 2<sup>nd</sup> Saturday), with two other accused persons arrested in the same case, namely, Hussain Ahmed, son of Pakhi Miya and Altab Hussain, son of Late Sajjadur Rahman, both are from Samarali Bazargaon, Chitalmari under Murajhar Police Station.

5. Mr. Sarma, learned Additional Public Prosecutor, Assam has placed the relevant case diary before the Court.

6. Considering the materials available in the case diary and detention of the petitioners in custody, this Court is of the view that their further custodial detention is not warranted to investigate

the said Murajhar P.S. Case No. 209/2024. As such, this bail application of the petitioners in said Murajhar P.S. Case is accepted.

**7.** Accordingly, the petitioners, namely, **(1) Sharif Uddin** and **(2) Sufia Khatun**, be released on bail in said **Murajhar P.S. Case No. 209/2024** registered under Sections 61(2)/325/303(2)/109 BNS read with Section 13(1) of the Cattle Preservation Act, 2021 and read with Section 11 of the Prevention of Cruelty to Animal Act, 1960, 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, Sankardev Nagar, Hojai, on conditions that the petitioners – **(i)** shall appear before the Investigating Officer of said Murajhar P.S. Case No. 209/2024 as and when they are required in the said Murajhar P.S. case; **(ii)** shall not leave the territorial jurisdiction of Murajhar 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)** shall not involve themselves in any criminal activities.

**8.** Failure on the part of either of the petitioners to comply with the above conditions, the bail granted to them in said Murajhar P.S. Case No. 209/2024 shall stand automatically vacated.

**9.** This bail application accordingly stands allowed to the extent above.

**10.** Return the case diary.

**JUDGE**

**Comparing Assistant**