

GAHC010266482024



2024:GAU-AS:13002

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

Case No. : Bail Appln./3829/2024

HUSSAIN ALI @ HOSSAIN ALI
S/O JOSURUDDIN VILLAGE HUDUMKHATA NO. 2, PS GOSSAIGAON, DIST
KOKRAJHAR, ASSAM

2: ABDUL SALAM
S/O SAHEB HUSSAIN

RESIDENT OF JOYMA NO. 2
PS GOSSAIGAON
DIST KOKRAJHAR
ASSAM

3: SAIDUL @ SAIDUL ALI
S/O LATE JOMER ALI JOYMA NO. 2
PS GOSSAIGAON
DIST KOKRAJHAR
ASSA

VERSUS

THE STATE OF ASSAM
REP BY PP ASSAM

Advocate for the Petitioner : MD A RAHMAN, ISHANI SHOME, SAMIM RAHMAN, MS
SURAYA RAHMAN, MR SARFRAZ NAWAZ, MR A W AMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

19-12-2024

Heard Mr. A. W. Aman, learned counsel for the petitioners and Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the State.

2) By this application filed under Section 483 of the BNSS, 2023, the petitioners, namely, **(1) Hussain Ali @ Hossain Ali**, son of Josoruddin, resident of Village-Hudumkhatam, Police Station-Gossaigaon, District-kokrajhar, **(2) Abdul Salam**, son of Saheb Hussain, resident of Village-Joyma No.2, Police Station-Gossaigaon, District-kokrajhar and **(3) Saidul @ Saidul Ali**, son of Late Jomer Ali, resident of Village-Joyma No.2, Police Station-Gossaigaon, District-kokrajhar are seeking bail in **Gossaigaon Police Station Case No. 193/2024** corresponding to G.R. No. 218/2024 registered under Sections 303(2)/317(2)/3(5) BNS, read with Sections 13(1)/14 of the Assam Cattle Preservation Act, 2021, wherein they were arrested on 03.12.2024 and are in custody since then.

3) As per the FIR dated 03.12.2024 lodged by the informant before the Officer-in-Charge of Gossaigaon Police Station, the case is that two of his bullocks, one red colour and one white colour were stolen on the night of 03.12.2024 and 04.12.2024 by some unknown miscreants from his cowshed.

4) It is submitted by the petitioners that they have been wrongly detained in the case and no way connected with the case.

5) From the case diary placed before the Court today by Mr. Sarma, learned APP, it is seen that the petitioners who were apprehended by the villagers of

Tokeyamari in the early morning of 04.10.2024 while taking away those two bullock with them and police personnel from Gossaigaon Police Station on getting the said information, arrived at the place of occurrence and apprehended the petitioners with the red colour bullock of the complainant. Later the complainant also reached the place and identified the bullock.

6) Case diary also indicated that two of the other accused persons, who had taken away the white colour bullock of the complainant are yet to be apprehended.

7) Considering the fact that the red colour bullock has already been recovered from the possession of the petitioners and considering their detention in custody since 03.12.2024, the Court is of the view that further custodial detention of the petitioners are not warranted for investigation of said **Gossaigaon P.S. Case No. 193/2024**. As such, this bail application of the petitioners is accepted.

8) Accordingly, the petitioners, namely, **(1) Hussain Ali @ Hossain Ali, (2) Abdul Salam and (3) Saidul @ Saidul Ali**, shall be released on bail in said **Gossaigaon P.S. Case No. 193/2024** on furnishing a bail bond of Rs. 50,000/- each with two local sureties each of the like amount, to the satisfaction of the learned Sub-Divisional Judicial Magistrate (M), Gossaigaon on conditions that the petitioners **(i)** shall appear before the Investigating Officer of said **Gossaigaon P.S. Case No. 193/2024** on every Thursday during the office hours for the next 2 (two) English Calendar Months, commencing from 02.01.2025 or till the date of filing of the Charge-Sheet in said **Gossaigaon P.S. Case No. 193/2024**, whichever is earlier; **(ii)** shall not leave the territorial jurisdiction of the **Gossaigaon** 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 in future.

9) Any violation of the aforesaid terms and conditions by the petitioners, named above, the bail granted to them in the aforementioned **Gossaigaon P.S. Case No. 193/2024** shall stand automatically vacated.

10) Bail application is accordingly stands allowed.

JUDGE

Comparing Assistant