

GAHC010266652024



2024:GAU-AS:13000

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

Case No. : Bail Appln./3843/2024

AZIZUL HOQUE @ AIJAL HOQUE
S/O LATE HEKMAT ALI
R/O VILL- KHORIDA GOSSAIGAON
P.O. AND P.S. CHAPAR
DIST. DHUBRI, ASSAM
PIN-783371

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. K M HASSAN, MS. S NAZNEEN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

19.12.2024

Heard Ms. S Nazneen, 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, **Azizul Hoque @ Aijal Hoque**, Son of Late Hekmat Ali, resident of village Khorida Gossaigaon, Police

Station-Chapar, District-Dhubri, is praying for his bail in **Kokrajhar Police Station Case No. 105/2024**, registered under Sections 379/413 of the IPC read with Sections 13(1)/16 of the Assam Cattle Preservation Act, 2021 read with Section 11(1)(d) of the Prevention of Cruelty to Animal Act, 1960, wherein, he was arrested on 04.10.2024 and is in custody since then.

3) As per the FIR dated 11.05.2024, the case is that the FIR named accused persons of the case took the cows from the cowshed of the complainant and on seeing the accused persons taking away the cattle from his cowshed in a vehicle bearing registration No. AS-16-A-3494, the complainant followed the said vehicle and intercepted the said vehicle near Chapar Police Station area, along with another cattle in the vehicle. However, the accused persons managed to escape from the said place.

4) Accordingly, the said FIR of the complainant was registered as Kokrajhar Police Station Case No. 105/2024 under Sections 379/413 of the IPC read with under Sections 13(1)/16 of the Assam Cattle Preservation Act, 2021 read with Section 11(1)(d) of the Prevention of Cruelty to Animal Act, 1960. Later on, the petitioner, one of the FIR named accused person, was arrested on 04.10.2024 and is in custody since then.

5) Mr. K K Parashar, learned Additional Public Prosecutor, Assam submitted that the cattle have been already seized by the Police and investigation of the case is also completed, but the vehicle involved in the case could not be seized by the Police till date and the charge-sheet in said Kokrajhar P.S. Case No. 105/2024 has not yet been filed.

6) Considering such submission of Mr. K K Parashar, learned Additional Public Prosecutor, Assam, made from the case diary of said Kokrajhar P.S. Case No. 105/2024, the Court is of the view that the further custodial detention of the petitioner in said Kokrajhar P.S. Case No. 105/2024 is not warranted for investigation of the said case. As such, this bail application of the petitioner in said Kokrajhar P.S. Case No. 105/2024 is accepted.

7) Accordingly, the petitioner, namely, **Azizul Hoque @ Aijal Hoque**, Son of Late Hekmat Ali, be released on bail in said Kokrajhar P.S. Case No. 105/2024 on furnishing a bail bond of Rs. 35,000/- with 2(two) local sureties, each of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Kokrajhar, subject to the conditions that the petitioner, named above —

- i) shall appear before the concerned Investigating Officer of said Kokrajhar P.S. Case No. 105/2024, as and when he is required for necessary investigation of the case;
 - ii) shall not leave the territorial jurisdiction of said Kokrajhar 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 himself in any criminal activities in the future.
- 8)** Any violation of the aforesaid terms and conditions by the petitioner, namely, **Azizul Hoque @ Aijal Hoque**, Son of Late Hekmat Ali, the bail granted to him in said Kokrajhar P.S. Case No. 105/2024 shall stand automatically vacated.
- 9)** This bail application accordingly stands allowed.
- 10)** Return the Case Diary herewith.

JUDGE

Comparing Assistant