

GAHC010289972023



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

Case No. : Bail Appln./4688/2023

MUKSIDUL ISLAM AND ANR
S/O- ISRAFIL ALI, R/O- VILL- JIEWMARI, P.O- TELIACHAPORI, P.S-
RUPAHIHAT, DIST NAGAON, ASSAM, PIN- 782125

2: ANAR HUSSAIN @ ANOWAR HUSSAIN
S/O- KADDUS ALI
R/O- VILL- JIEWMARI
P.O- TELIACHAPORI
P.S- RUPAHIHAT
DIST NAGAON
ASSAM
PIN- 78212

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. A. MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 09-01-2024

1. Heard Ms. A. Medhi, learned counsel for the petitioners Muksidul Islam

and Anar Hussain @ Anowar Hussain.

2. The petitioners have filed this application under *Section 439* of the *Code of Criminal Procedure* as they are behind bars since 14.12.2023 in connection with *Basistha Police Station Case No. 788/2023* under *Section 379 Indian Penal Code* read with *Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960* read with *Section 13(1)/16 of the Assam Cattle Preservation (Amendment) Act, 2021*.

3. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondent State of Assam.

4. I have considered the submissions at the bar.

5. It is submitted on behalf of the petitioners that the petitioners are the driver and handyman of the vehicle bearing registration No. AS-02 DC 1528 which was allegedly loaded with 11 (eleven) smuggled cattle.

6. The learned Additional Public Prosecutor has submitted that there are incriminating materials in the case diary against the petitioner.

7. I have considered the length of detention.

8. The case diary reveals that the investigation has also progressed to a considerable extent. It appears that further custodial detention may not be required for the progress of the investigation. The petitioners are local residents and the petitioners have pledged to cooperate with the remaining part of the investigation.

9. Considering all aspects, petitioners are enlarged on bail on furnishing a bail bond of *Rs.30,000/- (Rupees Thirty Thousand)* each, with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate,

Kamrup(M) under the condition:

That the petitioners shall refrain from such activities with which they are alleged, failing which bail order shall stand cancelled.

10. Bail Application stands disposed of in the above terms.

JUDGE

Comparing Assistant