

GAHC010290212023



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

Case No. : Bail Appln./4700/2023

HERMAN LYNGDOH AND 2 ORS
S/O PHILIS LYNGDOH
R/O VILL- NAMDONGA, P.S JOWAI
DIST. WEST JAINTIA HILLS, MEGHALAYA.

2: KINI DKHAR
S/O HAPPY RYMBAI
R/O VILL-MOOKHON.
P.S. JOWAI
DIST. WEST JAINTIA HILLS MEGHALAYA.

3: SONIKI TARIANG
S/O EBA TARIANG
R/O VILL- MYNSNGAT
P.S. JOWAI
DIST. WEST JAINTIA HILLS
MEGHALAYA.
PH. NO. 700228276

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. Y SIKDAR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 03-01-2024

Heard Mr. Y. Sikdar, learned counsel for the petitioners No. 1 to 3 namely Herman Lyngdoh, Kini Dkhar and Soniki Tariang.

The petitioners have filed this application under Section 439 of the Code of Criminal Procedure with prayer for bail as they are behind bars since 20.11.2023 in connection with Basistha Police Station Case No. 720/2023 under Sections 379 IPC read with Sections 11(1)(d) of Prevention of Cruelty to Animal Act, 1960, and read with Section 13(1)/16 of Assam Cattle Preservation (Amendment) Act, 2021.

Heard Ms. S. Jahan, learned Additional Public Prosecutor for the respondent State of Assam.

I have considered the submissions at the bar with circumspection.

It is submitted on behalf of the petitioners that the petitioners are drivers and handyman of the two vehicles carrying cattle and the vehicle bearing registration No. AS-27C-6834 was loaded with 29 (twenty nine) cattle and the vehicle bearing registration No. AS-25-AC-9890 was loaded with 26 (twenty six) cattle.

The learned Additional Public Prosecutor has raised objection stating that the cattle were carried in a cruel manner and the drivers and handyman were aware that the cattle were smuggled and that they failed to produce any documents.

I have considered the submissions on behalf of the petitioners that the vehicle and cattle have seized in connection with this case and the petitioners

are behind bars for 44 (forty four) days.

It is also submitted on behalf of the petitioners that they had valid documents and they had already produced the documents relating to purchase of cattle before police as well as before the Court.

It appears that the investigation may have presumably progressed to a considerable extent.

Considering all the aspects and in view of my foregoing discussions, this petition is allowed.

The petitioners Herman Lyngdoh, Kini Dkhar and Soniki Tariang 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 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.

Bail Application stands closed in the above terms.

JUDGE

Comparing Assistant