

GAHC010290392023



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

Case No. : AB/4360/2023

MD SURUJ ALI AND ANR
S/O-HASEN ALI, VILL- MONIPUR TUP, P.S- RAHA, DIST- NAGAON, ASSAM

2: SAJARUL HOQUE
S/O- AYUB ALI
VILL- PATUAKATA
P.S- MIKIRBHETA
DIST- MORIGAON
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A A MONDAL

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

01.02.2024

Heard Mr N J Dutta, learned counsel for the petitioners, 1) Md Suruj Ali, and 2) Sajarul Hoque.

2. The petitioners have filed this application under Section 438 CrPC, with prayer for

pre-arrest bail, as they are apprehending arrest in connection with Basistha PS Case No. 773/2023, under Section 379 IPC, read with Sections 11 (1) (d) of the Prevention of Cruelty to Animals Act, 1960, read with Sections 13(1)/16 of the Assam Cattle Preservation (Amendment) Act, 2021.

3. It is submitted on behalf of the petitioners that the petitioner No. 1 is the owner of the cattle and the petitioner No. 2 is the owner of the vehicle, bearing Registration No. AS-01-QC-6216.

4. Heard Mr D P Goswami, learned Additional Public Prosecutor for the State of Assam.

5. I have considered the submissions at the Bar with circumspection.

6. It is submitted on behalf of the petitioners that learned trial Court has given zimma of the 20 head of cattle, allegedly smuggled through the vehicle, bearing Registration No. AS-01-QC-6216. Vide order dated 18.01.2024, the learned trial Court has given zimma of the cattle as well as the vehicle to the owner of the cattle as well as the owner of the vehicle.

7. Certified copy of the order dated 18.01.2024 has been submitted. The learned trial Court has given sound reasonings while giving zimma of the cattle.

8. I have considered the submission that the petitioners are local residents and they are willing to cooperate with the trial.

9. Considering all aspects and in the event of their arrest the petitioners shall be enlarged on bail of Rs. 30,000/- each, with a suitable surety each of the like amount to the satisfaction of the arresting authority, under the conditions that-

- i) the petitioners shall appear before the IO within 10 days and cooperate with the investigation,
- ii) the petitioners shall not influence the witnesses,
- iii) the petitioners shall not jump the bail, and
- iv) the petitioners shall refrain from such activities, with which they are alleged.

On breach of any of the bail conditions, the bail order shall stand cancelled.

15. The certified copy of the order dated 18.01.2024, shall form part of this record.

16. Bail Application stands disposed of.

JUDGE

Comparing Assistant