

GAHC010295232023



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

Case No. : Bail Appln./4713/2023

SAIDUL ISLAM
S/O FAJU RAHMAN
VILL- GERUAATI
P.S. KHATOWAL,
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR A DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 12-01-2024

- 1.** Heard Mr. A. Deka, learned counsel for the petitioner.
- 2.** The petitioner, namely, Saidul Islam has filed this application under Section 439 Cr.PC with prayer for bail as he is behind bars since 18.12.2023 in connection with Basistha P.S.

Case No. 803/2023 registered u/s 379 IPC R/W Section 11(1)(d) of Prevention of Cruelty to Animal Act, 1960, R/W Section 13(1) of Assam Cattle Preservation Act, 2021.

3. Heard Mr. D.P. Goswami, learned Addl. PP, Assam.

4. It is submitted on behalf of the petitioner that he is the driver of the vehicle bearing Registration No. AS-02DC-4552. The petitioner has submitted that he was not privy that cattle was being allegedly smuggled through his vehicle.

5. I have also perused the Case Diary. Investigation has progressed to a considerable extent. Further custodial detention for the progress of investigation may not be required, as the cattle and the truck have already been seized at the alleged stage of investigation and statement which witnesses have already been recorded.

6. Considering all aspects, petition is allowed. The petitioner is enlarged on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned CJM, Kamrup (M) under the conditions that:-

- [i] The petitioner shall refrain from such activities with which he is alleged; and
- [ii] the petitioner shall co-operate with the investigation as well as with trial;

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

Send back the Case Diary.

JUDGE

Comparing Assistant