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2026:GAU-AS:15163

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

Case No. : Bail Appln./3049/2026

PURAN BASUMATARY
SON OF DEBARU BASUMATARY RESIDENT OF VILLAGE TAKAM TUKUM
TAKAMPUR POLICE STATION KACHUGAON DISTRICT KOKRAJHAR
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. K BORUAH, MS. M BHUYAN,MS. P BORAH,MR. M ALAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

08.10.2026

Heard Mr. K. Boruah, learned counsel for the accused and Mr. P. Barthakur, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 483 of the BNSS, 2023, is preferred by the

accused, namely, **Puran Basumatary**, who has been languishing in jail hajot since 07.09.2026, in connection with Kachugaon P.S. Case No. 28/2026, registered under Sections 303(2)/317(2)/3(5) of the BNS, 2023, read with Section 11(1)(a)(d)(e)(h) of the Prevention of Cruelty to Animal Act, 1960, read with Section 13(1) of the Assam Cattle Preservation Act, 2011, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Kompash Narzary, UBC/170, of Kachugaon Police Station, on 06.09.2026.

4. The essence of allegation, in the FIR dated 06.09.2026, is that acting on a tipoff, the informant and other police staff and patrolling team of 31 SSB Camp, Takampur, had arrived at village Araisopara, on the bank of river Tiya, and noticed three persons with cattle. On seeing police, two of them fled away towards the nearby jungle, while the present accused was arrested. During interrogation, the accused stated that the cattle had been collected from Golaipara and has been taking towards Gongia, for delivering the same to another person, for which, they receive Rs. 700/- each. And a total of 8 (eight) Nos. of cattle were recovered and seized from his possession.

5. Mr. Boruah, learned counsel for the accused submits that the accused was arrested on 07.09.2026, and since then, he has been languishing in jail hajot for the last 31 days, and that the accused is ready to cooperate with the investigating agency, and further considering the period of detention of the accused in custody, he has contended to allow this petition.

6. Per contra, Mr. Barthakur, learned APP, has produced the case diary before

this Court and submits that the I.O. has collected some materials against the accused persons and two of the co-accused are still absconding. However, Mr. Barthakur, learned APP, submits that the I.O. has already examined some of the witnesses. And under such circumstances, he has contended to dismiss this petition.

7. Having heard the submission of the learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record and also gone through case diary with the assistance of the learned Additional Public Prosecutor.

8. It appears that the accused is behind the bars for the last 31 days, having been arrested on 07.09.2026.

9. It also appears that the I.O. has already examined some of the witnesses and except arrest of the absconding accused persons, material part of the investigation appears to be over.

10. In that view of the matter, this Court is of the view that further custodial detention of the accused may not be warranted in the interest of investigation. And accordingly, this Court is inclined to allow this application.

11. It is provided that on furnishing a bond of Rs. 25,000/-, with one surety each of the like amount, to the satisfaction of the learned Sub-Divisional Judicial Magistrate (M), Gossaigaon, the accused shall be enlarged on bail.

12. In terms of the above, this Bail Application stands disposed of.

13. Case diary be returned.

JUDGE

Comparing Assistant