

GAHC010040552024



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

Case No. : Bail Appln./554/2024

SHWAFIKUL ISLAM AND 3 ORS.
S/O ABDUL MOMIN
R/O VILL- MAGURMARI
P.S. RUPAHIHAT
DIST. NAGAON, ASSAM

2: ROKIBUL ISLAM
S/O ISLAMUDDIN
R/O VILL- BAJIAGAON
P.S. SAMAGURI
DIST. NAGAON
ASSAM

3: KHIRAJUL ISLAM
S/O KUDDUS ALI
R/O VILL- PANBARI
P.S. BOKAKHAT
DIST. GOLAGHAT
ASSAM

4: ISHAK ALI
S/O IJAJUL ISLAM
R/O VILL-MAGURMARI
P.S. RUPAHIHAT
DIST. NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

29.02.2024

Heard Mr. T Chutia, learned counsel for the petitioners. Also heard Mr. BB Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

This is an application under Section 439 Cr.P.C. praying for bail to the petitioners, namely, 1. Shwafikul Islam, 2. Robikul Islam 3. Khirajul Islam and 4. Ishak Ali, who were arrested on 13.02.2024 in connection with Basistha Police Station Case No.92/2024 under Sections 379/34 IPC read with Section 11(1)(d) of Prevention of Cruelty to Animal Act 1960 read with Section 13(1)/16 of the Assam Cattle Preservation Act, 2021.

It is submitted by the learned counsel for the petitioners that the petitioners are in custody since 13.02.2024. The petitioner No.1 is the driver of vehicle bearing registration No.AS-02 DC-1861 and the petitioner No.2 is the helper of the said vehicle from where 30 numbers of cattles were seized. Whereas, the petitioner No.3 is the driver of another vehicle bearing registration No.AS01-QC-2861 and the petitioner No.4 is the helper of the said vehicle which was intercepted by police and seized 30 numbers of cattles from the vehicle in question. According to the learned counsel for the petitioners one Chaddam Hussain had purchased the 60 cattles which were seized from both the vehicles from the Bihora Weekly Cattle Market and he had produced the purchase receipt in respect of the cattles, in question. Accordingly, the learned counsel for the petitioners prays that considering the length of detention of the petitioners,

they may be granted bail.

On the other hand, the learned Additional Public Prosecutor, Assam submits that it appears that one person had purchased the cattles, in question from the Bihora Weekly Cattle Market and accordingly documents were also produced in support of the purchase and therefore the petitioners may be enlarged on bail.

I have considered the submissions of the learned counsel for the parties.

Considering the length of detention of the petitioners in custody, this Court is inclined to grant bail to the petitioners.

Accordingly, the petitioners above-named, shall be released on bail in connection with the aforementioned police station case on furnishing a bail bond of Rs. 20,000/- (Rupees twenty thousand) each with one suitable surety each of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M) Guwahati, subject to the following conditions that the petitioners:

- (a) shall not leave the territorial jurisdiction of the learned CJM, Kamrup(M) Guwahati without obtaining prior written permission;
- (b) shall not hamper with the investigation, or tamper with the evidence of the case; and
- (c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

The bail application, accordingly, stands disposed of.

JUDGE

Comparing Assistant