

GAHC010054012024



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

Case No. : Bail Appln./773/2024

SADIKUL ISLAM AND 2 ORS.
S/O AMZAD HUSSAIN
VILL- PUB SINGIMARI
P.S. RUPOHIHAT
DIST. NAGAON, ASSAM

2: OHIDUL ISLAM
S/O AMIR HUSSAIN
VILL- NANGOLDHOWA
P.S. RUPOHIHAT
DIST. NAGAON
ASSAM

3: MOHIRUDDIN
S/O MUSTAFA HUSSAIN
VILL KASOKHAITI
P.S. RUPOHIHAT
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
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

04.04.2024

Heard Mr. T. Chutia, learned counsel for the accused and also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under section 439 Cr.P.C. is preferred by three accused, namely, Sadikul Islam, Ohidul Islam and Mohiruddin, who have been languishing in jail hazot since 10.02.2024, in connection with Basistha P.S. Case No.842/2023, under Section 379/411/34 IPC, read with Section 13(1) of the Assam Cattle Preservation Act, 2021, read with Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by ASI Bipul Ch. Deka of Jorabat Out Post on 28.12.2023. The essence of allegation made in the aforesaid FIR is that on the intervening night of 28.12.2023, at about 4:30 a.m., he had intercepted one vehicle, bearing Registration No.NL-01K-7143 and during checking of the vehicle, he found 26 nos. of live cattle being carried in the said vehicle without any document and he apprehended the driver of the vehicle, namely, Idrish Ali and the helper, namely, Jakir Hussain.

4. Mr. Chutia, learned counsel for the accused, submits that the accused persons were arrested on 09.02.2024 and forwarded to the jail hazot on 10.02.2024 and since then, they have been languishing in jail hazot. Mr. Chutia further submits that two of the co-accused, namely, Idrish Ali and Jakir Hussain, have already been granted bail by this Court vide order dated 01.02.2024 in Bail Appln. No.152/2024 having considered the length of detention. Since the accused has been languishing in jail hazot for last 54 days while the mandatory period of detention is 60 days, Mr. Chutia

submits that considering the length of detention the present accused persons may also be enlarged on bail.

5. On the other hand, Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam, submits that the case diary is not available with him as the matter is listed in the motion column today.

6. Having heard the submissions of learned counsel for both the parties, I have carefully gone through the petition as well as the documents placed on record.

7. It appears that the persons were arrested on 09.02.2024 and forwarded to the jail hazot on 10.02.2024 and since then, they have been languishing in jail hazot for last 54 days. Further, it appears that two co-accused have already been granted bail by this Court, vide order dated 01.02.2024, in B.A. No. 152/2024, having considered the period of detention.

8. Having considered the facts and circumstances on the record, especially the length of detention (54 days), this Court is of the view that further custodial detention of the accused persons may not be required in the interest of investigation and accordingly, it is provided that on furnishing a bond of ₹ 50,000/- each, with one surety of the like amount to the satisfaction of the learned C.J.M., Kamrup (M), all the three accused persons, namely, Sadikul Islam, Ohidul Islam and Mohiruddin, shall be enlarged on bail.

9. In terms of above, this bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant