

GAHC010053802024



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

**Case No. : Bail Appln./750/2024**

ASHRAFUL SK. AND 2 ORS.  
S/O AMZAD ALI SK.  
VILL- ASHARIKANDI  
P.S. GAURIPUR  
DIST. DHUBRI, ASSAM

2: SAHIDUR RAHMAN @ SOHIDUR RAHMAN  
S/O SABER ALI SK.  
VILL- DEBOTTOR HASDAH PT.-6

P.S. GAURIPUR  
DIST. DHUBRI  
ASSAM

3: AMINUR HUSSAIN  
S/O ANNESH ALI  
VILL- POKALAGI  
P.S. AGOMONI  
DIST. DHUBRI  
ASSAM  
PIN-78333

VERSUS

THE STATE OF ASSAM  
REP BY THE PP, ASSAM

**Advocate for the Petitioner : MR. L R MAZUMDER**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE  
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

**ORDER**

**19.03.2024**

Heard Mr. A. Z. Ahmed, learned counsel for the applicants. Also heard Ms. A. Begum, learned Public Prosecutor for the State respondent.

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioners, who have been languishing in jail hazot in connection with Gossaigaon P.S. Case No. 34/2024, registered under Sections 379/411/34 of IPC *read with* Section 13(1) of Assam Cattle Preservation Act, 2021.

It is submitted by the learned counsel for the petitioners, Mr. A. Z. Ahmed, that the accused/petitioners earlier prayer for bail i.e. Bail Application No.587/2024 dated 07.03.2024 was rejected by this Court on perusal of the case diary. But, nothing has been recovered from the possession of the 3(three) petitioners and the vehicle which was intercepted by the police was also empty. He further submits that the petitioners are behind the bar for last 27 days; and accordingly, considering the length of detention already undergone by the accused/petitioners, as well as considering the fact that they belongs to Muslim Communities; and it is the month of Ramjan, they may be enlarged on bail as the I.O. has got sufficient time for their custodial interrogation.

On the other hand, the learned Additional Public Prosecutor, Ms. A. Begum has raised no objection on the prayer made by the learned counsel for the petitioners considering the period of detention already undergone by the accused/petitioners.

Hearing the submissions of learned counsels for both sides, I have perused the case record and considering the length of detention already undergone by the accused/petitioners, i.e. 27, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioners in the custody and accordingly, further custodial interrogation of the accused/petitioners seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with one surety of like amount to the satisfaction of the learned SDJM, Gossaigaon, the accused/petitioners, namely, **1. Ashraful Sk, 2. Sahidur Rahman @ Sohidur Rahman and 3. Aminnur Hussain**, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall make themselves available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioners 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 them from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioners shall not leave the jurisdiction of the learned SDJM, Gossaigaon, without prior permission.

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

**JUDGE**

**Comparing Assistant**