

Tezpur PS Case No-868 of 2022
GR Case No-1648 of 2022
Under Section-379/411/34 of Indian Penal Code R/W Section-11 of
Prevention of Animal Cruelty Act, 1960, R/W Sec-13(1) of Assam Cattle
Prevention Act, 2021

ORDER

13.09.2022

Ld. Advocate of the accused persons, namely, Md. Arab Ali, Md. Joban Ali and Md. Rabbul Islam filed hazira.

Case diary as called earlier vide order dated-03.09.2022 is received today.

Heard learned counsel of both sides on the instant petition. Also perused the instant petition.

The learned advocate of the petitioner has submitted that the above-named accused persons are innocent and no way connected with the alleged offence. The Ld. Counsel of the accused further submitted that in the event of his release on bail there is no chance of their absconding. Hence, prayed to allow the bail prayer of the accused persons.

Also perused the case diary. The prosecution story in brief is as follows that the complainant namely, ASI Golak Das lodged an ejarah before the O/C of Tezpur Police Station alleging that on 05.08.2022 at around 10 AM, an information was received from a reliable source that a vehicle bearing Regd. No-AS-12/BC-7550 coming from Rajbhoral Tezpur towards Nagaon side via Kaliabhomora bridge carrying some stolen cattles and accordingly, he along with his staffs put a naka checking duty at Kaliabhomora Bridge and at around 10:45 AM the said vehicle coming from Tezpur side was signaled to stop at the Naka point and the said vehicle thereafter stopped and detained by Naka party as well as driver and one of his companion. On being searched they found 12 nos. of cattles inside the vehicle and accordingly seized the same. Hence, the prosecution case.

From perusal of the case diary, it appears that investigation of this case is pending at pre-matured stage. Further, from perusal of the case diary, sufficient incriminating materials have been found

13.09.2022

against the accused persons. From perusal of the case record the accused persons are the FIR named accused persons and the police personnel caught the accused in red handed with cattles at the time of Naka Checking. From perusal of the case record as well as case diary, it appears that this act of the accused person violated the Assam Cattle Prevention Act and Prevention of Animal Cruelty Act. Hence, at this stage, if the accused, namely, Md. Arab Ali, Md. Joban Ali and Md. Rabbul Islam are released on bail, the whole process of investigation of this case will be hampered. So, under such circumstances, considering the gravity of the offence charged against accused persons, namely, Md. Arab Ali, Md. Joban Ali and Md. Rabbul Islam and the materials collected by the investigating officer, I find that this is not a case where the accused can be relied upon and enlarged on bail.

Accordingly, the bail petition No-1161/2022 filed on behalf of the above-named accused persons stands rejected.

Return back the case diary to the I/O in seal cover.

Accordingly, bail application is disposed.

Sri N. Bhatta
Chief Judicial Magistrate
Sonitpur at Tezpur