

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Criminal (Bail) No. 593/2022

Md. Kashem Ali

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>28-11-22</u>	<p>Case is put up before me along with the case diary. The case record is withdrawn from the court of Asstt. Sessions Judge, Sonitpur, Tezpur to my court for disposal.</p> <p>This is an application u/s 439 Cr.P.C. filed by Md. Kashem Ali seeking bail for accused Md. Nur Ahmed & Md. Ismat Ali who are in jail in connection with Thelamara PS Case No. 94/2022 u/s 379 IPC r/w Section 11(1)(d) of Prevention of Cruelties to Animal Act, 1960 r/w Section 13(1) of Assam Cattle Prevention Act, 2021, corresponding to G.R. Case No. 2262/2022.</p> <p>I have heard the learned lawyers appearing for both sides and also gone through the case diary.</p> <p>The allegation in the FIR is that informant ASI Satya Kakoti lodged an FIR stating inter alia that based on secret information and direction from O/C of Thelamara PS, informant along with S.I. Moniram Dowarah proceed to Silikhabari area under Thelamara PS and interpreted one Tata Intra Vehicle bearing Registration No. AS12CC0120 and found 4 cattle and two FIR named accused persons and during interrogation they unable to speak anything. Hence the case.</p> <p>It is submitted by learned counsel for State that accused were illegally carrying the cows while police caught them and failed to show any valid document of permit for doing so. Therefore, given the nature of the offence alleged, the accused persons do not deserve to be released on bail.</p> <p>On the other hand, learned counsel appearing for the accused persons contends that the accused were carrying the cow</p>	

with valid authority as they purchased the same from Borgaon weekly market and to that effect they had valid documents of purchase. Moreover, even if, as alleged, accused were carrying the cow in a unregistered vehicle they are at best liable for fine under Motor Vehicle Act for using unregistered vehicle. Therefore, learned counsel press for bail.

Having heard the contention of the learned lawyers appearing for both sides and on careful perusal of the contents of the case diary, it appears that accused persons failed to produce any valid document of carrying the cows when they were apprehended by police and now they produced some receipts evidencing purchase of cow contending that they had purchased it from the genuine seller from Borgaon Weekly Market. Nevertheless, the accused persons still found to have prima facie violated the provisions of Section 7(1), (2) & (3) of Assam Cattle Prevention Act, 2021 as they do not had any license from competent authority to carry the same from one place to another within the State of Assam.

Therefore, considering all the attending facts, this court do not consider it a fit case to grant bail to accused persons at this stage. In the result, bail petition stands rejected.

Send back the case diary in seal cover.

Accordingly, bail petition is disposed of.

Sessions Judge,
Sonitpur, Tezpur.