

GAHC010000532023



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

Case No. : Bail Appln./37/2023

MD. NAZIR HUSSAIN AND ANR
S/O MD. KURBAN ALI, R/O VILL-BIHPUKHURI, P.O.-LAHORIJAN, P.S.-
GINGIA, DIST-BISWANATH, ASSAM, PIN-784176

2: MD. NADER ALI
S/O LT. BAJER ALI
VILL-NIZ BAGHMARI (CHOTOPAM)
P.O.-BURIGANG
P.S.-GINGIA
DIST-BISWANATH
ASSAM
PIN-78418

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N ISLAM

Advocate for the Respondent : MR. D. GOGOI SPECIAL PP, WILD LIFE DEPARTMENT

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 23-01-2023

Heard Mr. N. Islam, learned counsel for the petitioners as well as Mr. S.N.

Hasan, learned standing counsel appearing on behalf of Mr. P.N. Goswami, learned Addl. Advocate General appears for Forest Department.

The petitioners, namely, (1) Md. Nazir Hussain and (2) Md. Nader Ali who were arrested on 06.12.2022 in connection with offence no.CRB/02 of 2022 dated 05.12.2022 under sections 9, 27, 29, 31, 50 and 51 read with section 2(1, 12A, 15, 16, 21, 35, 37) Wild Life Protection Act, 1972 & (Assam Amendment) Act, 2009 are seeking regular bail by filing this application under section 439 Cr.P.C.

The learned counsel for the Forest Department has produced the photocopy of the case records along with the copy of instructions dated 21.01.2023 from the IO. The said report reveals that the petitioners had illegally entered into the Kaziranga National Park without permission from the authority and were fishing inside the park area. The report further reveals that the petitioners have confessed their crime.

The learned counsel representing the Forest Department has opposed the prayer for bail.

In view of the nature of their alleged crime, the Court is of the considered opinion that the further custodial interrogation of the petitioners is not warranted. Accordingly, the Court is inclined to release the petitioners, namely, (1) Md. Nazir Hussain and (2) Md. Nader Ali on bail on furnishing bail bond of Rs.20,000/- (Rupees twenty thousand only) each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Biswanath.

Bail is granted on the following conditions:

1. The petitioners shall appear before the Court in the present case on all the dates fixed for trial.

2. 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 him from disclosing such facts to Court or to any police officer or tamper with the evidence. They shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.
3. The petitioners shall not obstruct the smooth progress of the trial/ investigation.
4. The petitioners shall not misuse their liberty in any manner.
5. The petitioners shall not jump over the bail.
6. The petitioners shall once again appear before the IO once in 10(ten) days and they shall continue to appear once a month till their personal appearance is dispensed with or charge sheet is submitted, whichever is earlier.

The documents produced by the learned Standing counsel for the Forest Department is retained on record.

The application stands disposed of.

Case diary is returned.

JUDGE

Comparing Assistant