

GAHC010045892023



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

Case No. : Bail Appln./808/2023

AIMAN A K MADAKIA
S/O ABDUL KADER, R/O 82 SHORIOT MANZIL 3RD FLOOR ROOM NO. 12
ISMAIL CURTEY ROAD , NEAR PYDHONIE MAHARASTRA 400003
PRESENTLY RESIDING AT C/O TAPASH CHANDRA MAZUMDAR R/O VIL.
HAHARA KOLONGPAR P.S. SONAPUR DIST. KAMRUP (M) ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

2:OFFICE OF THE RANGE FOREST OFFICER
GUWAHATI RANGE
REPRESENTED BY THE LD. SPL. PP
B. SHARMA

Advocate for the Petitioner : MR. D BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

05.04.2023

Heard Mr. D. Borah, learned counsel appearing for the accused petitioner as well as Mr. A. Hasan, learned counsel appearing on behalf of Mr. D. Gogoi, learned Standing Counsel, Forest.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely **Aiman A.K. Madakia** has prayed for grant of bail in connection with **Offence No. G83/2023** under Section **51** of the Wildlife (Protection) Act, 1972.

The scanned copy of the case record is received.

The case relates to recovery and seizure of 2(two) numbers of pup foxes from the possession of the accused petitioner.

Perusal of the case record shows prima facie incriminating material against the accused petitioner. The seized animal is stated to be a protected Tibetan Fox which falls under Schedule-I, Sl. No. 36-B of the Act. There is no evidence that it is the accused petitioner's commission of second offence under the Act.

It is noticed that the accused petitioner has been in judicial custody since 02.02.2023, that is, for 63 days.

Considering the nature of allegation made in the FIR more particularly as the length of detention, this Court is of the opinion that further continuation of detention of the accused petitioner may not be required in the interest of the ongoing investigation into the case.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs.50,000/- (Rupees Fifty Thousand)** with two sureties of like amount to the satisfaction of the learned **S.D.J.M., Kamrup(M), Guwahati** subject to the following conditions-

- i) That the accused petitioner shall cooperate with the Investigating Officer as and when required;

- ii) That the accused petitioner 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 the Police Officer or the Court;
- iii) That the accused petitioner shall refrain from committing any offences similar to the one of which he is suspected of commission; and
- iv) That out of the two sureties, one shall be a government servant subject to verification of the relevant documents, if deemed necessary and after such verification, the learned Court below shall return the original documents retaining legible scanned copy thereof on record for future reference.

The bail application stands disposed of.

JUDGE

Comparing Assistant