

GAHC010087862023



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

Case No. : AB/1500/2023

NUR MOHAMMAD AND ANR
S/O LT. AKKABEPARI @ AKKAS ALI, VILL-BATULI CHAPORI, P.S.-
LAWKHOWA CHAPARI

2: HIBJUR ALI
S/O LATE ABDUL RASHID
VILL-KANDULIMARI
P.S.-JURIA
DIST-NAGAOAN
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : M. RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

26/06/2023

Heard Mr. M Rahman, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

The petitioners, namely, **(1) Nur Mohammad** and **(2) Hibjur Ali**, have filed this application under Section 438 Cr.P.C. seeking pre-arrest bail apprehending their arrest in **Dhania Range**

Offence No. BR/03/2020 under Section 9 read with Sections 27/29/52 punishable under Section 51 of Wildlife (Protection) Act, 1972 and the Wildlife (Protection) (Assam Amendment) Act, 2009.

Perused the case diary placed before the Court today by Mr. Sarma, learned Additional Public Prosecutor, Assam.

As per the offence report dated 27.07.2020, on the basis of specific intelligence inputs that a Hog Deer was poached near Batuli Chor and on getting the information, the staff of Dhania Range Head Quarter conducted a search near Batuli Chor. During said search operation, they recovered 800 gms. of Hog Deer meat at the house of one Aahadul Islam. Said Aahadul Islam also revealed the names of seven other persons involved in the case, who visited Chapori for collection of grass, where they came across the Hog Deer and caught and chopped it and distributed the meat amongst them. It is stated that the other accused persons of the case are still absconding.

Considering the materials available in the case dairy, the Court is of the view that custodial interrogation of the petitioners, named above, is not warranted to investigate the said Dhania Range Offence No. BR/03/2020. As such, this pre-arrest bail application of the petitioners is accepted.

Accordingly, in the event of arrest of the petitioners, namely, **(1) Nur Mohammad** and **(2) Hibjur Ali**, in said **Dhania Range Offence No. BR/03/2020 under Section 9 read with Sections 27/29/52 punishable under Section 51 of Wildlife (Protection) Act, 1972 and the Wildlife (Protection) (Assam Amendment) Act, 2009**, they shall be released on bail on furnishing a bail bond of Rs.50,000/- each, with 2 (two) local sureties each of the like amount to the satisfaction of the arresting authority, subject to the conditions that the petitioners shall - **(i)** appear before the concerned Investigating Officer of said Dhania Range Offence No. BR/03/2020 **on or before 03.07.2023** and thereafter, as and when they are required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of Forester-I, Burachapori Wildlife Sanctuary, Dhania Range, Dhania, without obtaining prior written permission from the concerned I/O of the case; **(iii)** not hamper with the investigation, or tamper with the evidence of the case and **(iv)** not, directly or indirectly, make any inducement, threat any family members of the victim 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.

Any violation of any of the aforesaid terms and conditions by the petitioners, named above,

pre-arrest bail granted to them in said Dhania Range Offence No. BR/03/2020 shall stand automatically vacated.

Accordingly, this pre-arrest bail application stands allowed to the extent above.

Return the case diary.

JUDGE

Comparing Assistant