

GAHC010098022023



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

Case No. : AB/1678/2023

PADMO LIMBU @ PADMA LIMBU
S/O MEGHANG LIMBU
VILL- RUPAHI RAJAGAR
P.O. PATHALIPAM
P.S. BOGINADI
DIST. LAKHIMPUR, ASSAM
PIN-787030

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. S G BARUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

15.06.2023

Heard Ms. S.G. Baruah, learned counsel appearing for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor, appearing for the State of Assam.

This anticipatory bail application under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail of the petitioner, namely, Padmo [Limbu@Padma](#) Limbu, in connection with CR(Forest) No. 04/2023 dated 22.03.2023 under sections 24,25,40,41,49(1) and 60(1) of Assam Forest Regulation, 1891 and Assam Forest Regulation(Amendment) Act, 1995.

The accusation in this case is that on 04.04.2023, a group of forest officials of Pathalipam Block Forest Office while doing their regular duties in the Dulung Reserve Ra Ali Forest area, found one male and one female person from Arunachal Pradesh cutting jungle in that area. Both the persons were arrested and forwarded to the Court of Chief Judicial Magistrate, Lakhimpur. It is also mentioned that before the said incident, two other accused persons namely, Sri Phatik Pegu and Biju Mili were also arrested and forwarded to judicial custody. Those two accused persons have named the present petitioner being involved in the act of cutting jungle in Dulung Reserve Ra Ali Forest area. As both the co-accused were already arrested, the present petitioner is also apprehending arrest in connection with the said case.

Mr. B. Sharma, learned Special Public Prosecutor, Wildlife has submitted that in this connection, Offence Report No. NL-95/22-23 has been submitted before the Court of learned Chief Judicial Magistrate, Lakhimpur and he has also submitted that the co-accused has named the present petitioner as involved in the offence alleged in the said offence report. However, he also submits that if the present petitioner co-operates with the Investigating Officer, his detention may not be necessary.

Considering the facts of this case as well as the submissions made by the learned counsel for both the sides, the present petitioner, namely, Padmo [Limbu@Padma](#) Limbu, is directed to appear before the Assistant Conservator of

Forest, Lakhimpur Forest Division and co-operate in the investigation of this case in connection with the Offence Report No. NL-95/22-23 within a period of 10(ten) days from today. If he does so within the stipulated time, in the event of his arrest, in connection with the said case, the arresting authority shall allow him to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority. At the time of accepting the bail bond, the arresting authority may impose any reasonable condition while granting bail to the present petitioner.

With the above observation, this anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant