

GAHC010121812023



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

Case No. : Bail Appln./1984/2023

MONJIL KAMIL AND ANR.
S/O NEKIBUR RAHMAN,
VILL.- NAHARANI MAZGAON,
P.O.- NAHARANI, P.S.- DERGAON,
DIST.- GOLAGHAT, ASSAM.

2: AHMED KOBIR
S/O AMIR UDDIN

VILL.- NAHARANI MAZGAON

P.O.- NAHARANI
P.S.- DERGAON

DIST.- GOLAGHAT
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY SPECIAL P.P., ASSAM.

Advocate for the Petitioner : MR. M BISWAS

Advocate for the Respondent : SC, FOREST

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER**26-06-2023**

Heard Mr. J. Barman, learned counsel for the petitioners and Mr. Bankim Sarma, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 439 CrPC, the petitioners, namely, **1) Monjil Kamil** and **2) Ahmed Kobir**, are seeking bail in **Offence No.G/WL/01 of 2023-24 violation of Section 9, 39(1)(b), 39(3)(a), 39(3)(B), 40(2), 49(B) and 52 of the Wildlife (Protection) Act, 1972** and under Section **51 of the Wildlife (Protection) (Assam Amendment) Act, 2009**.

As per the FIR of the case, on the basis of specific intelligence input on 26.04.2023 two persons were detained at Balijan, Dergaon area in a joint operation of Golaghat Forest Division and Wildlife Crime Control Bureau and from the two person, who were on two bikes were found transporting scales of Indian Pangolin (*Manis crassicaudata*), a trophy derived from the Schedule I species under Wildlife Protection Act, 1972 and those were seized by preparing seizure list.

As the hunting of Schedule I species, abetment or hunting, possessing or transporting of trophy derived from the Schedule I animals is an offence for the violation of Section 9, 39(1)(b), 39(3)(a), 39(3)(b), 40(2), 49(B) and 52 of the Wild Life (Protection) Act, 1972 and punishable under Section 51 of the said Act read with Wild Life (Protection) (Assam Amendment), Act, 2009, the petitioners were accordingly, taken into custody on 27.04.2023 and they are still in custody.

From the case diary it is seen that since 27.04.2023, the petitioners are in custody for the last 60 days and Investigating Officer of Golaghat (T) Forest Division has not filed any Offence Report in said Offence No.G/WL/01 of 2023-24 violation of Section 9, 39(1)(b), 39(3)(a), 39(3)(B), 40(2), 49(B) and 52 of the Wildlife (Protection) Act, 1972 and under Section 51 of the Wildlife (Protection) (Assam Amendment) Act, 2009.

In view of the above, the petitioners are entitled for default bail due to fault on the part of the prosecution to file Offence Report within the time, considering the involvement of the petitioners in the alleged crime.

Accordingly, the petitioners, namely, **1) Monjil Kamil** and **2) Ahmed Kobir**, be released on bail in said Offence No.G/WL/01 of 2023-24 violation of Section 9, 39(1)(b), 39(3)(a), 39(3)(B), 40(2), 49(B) and 52 of the Wildlife (Protection) Act, 1972 and under Section 51 of the Wildlife (Protection) (Assam Amendment) Act, 2009, on furnishing a bail bond of Rs.75,000/-,

each with 2 (two) local sureties each of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Golaghat on conditions that the petitioners shall – **(i)** appear before the Investigating Officer of said Offence No.G/WL/01 of 2023-24, as and when they are required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of the Investigating Officer, Golaghat (T) Forest Division, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** not hamper with the investigation, or tamper with the evidence of the case and **(iv)** they 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 them from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in the aforesaid Offence No.G/WL/01 of 2023-24 shall stand automatically vacated.

Return the case diary herewith.

This bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant