

GAHC010190462023



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

Case No. : AB/2981/2023

ABDUL ROSID
S/O MALEK ALI
R/O NA-JAN KUTHORI
P.S. KALIABOR
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY SPECIAL PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 20-12-2023

Heard Ms. F. Hussain, learned counsel appearing on behalf of the applicant.
Also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing on behalf of the State respondents.

This is an application under Section 438 of the CrPC filed by the applicant, namely,

Abdul Rosid, for grant of pre-arrest bail in connection with Offence Case No. WR/01/2023 dated 18.03.2023, registered under Sections 27/29/31/32/52 of the Wildlife (Protection) Act, 1972, read with Section 51B of Wildlife Protection Assam Amendment Act, 2009.

The record reveals that this Court, vide order dated 30.08.2023 had called for the Case Diary and taking into consideration the materials on record, this Court had granted interim pre-arrest bail to the applicant on furnishing a bail bond of Rs. 40,000/- with one surety of the like amount, to the satisfaction of the arresting authority and subject to the following conditions:

- (i) the petitioner shall appear before the Investigating Officer within 7 days, filing which on and from the 8th day, the interim pre-arrest bail order shall have no force;
- (ii) that the 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 Court or to any police officer and that any breach of the above conditions shall render cancellation of the interim pre-arrest bail in accordance with law.

Thereafter the matter was listed on 27.09.2023. However, the Case Diary was not produced. Thereupon this Court fixed the matter on 19.10.2023 for production of the Case Diary, but the Case Diary was not produced. Today also, the Case Diary has not been produced by the Investigating Officer for reasons best known to him. Further to that, the learned Additional Public Prosecutor is also not in a position to apprise this Court whether the applicant has appeared before the Investigating Officer, as had been directed by this Court vide order dated 20.08.2023.

Taking into account the above circumstances, this Court is of the opinion that the State does not have any inclination for the purpose of arresting the applicant. Accordingly, the order dated 30.08.2023 granting interim pre-arrest bail to the applicant is made absolute, subject to the following conditions:

- (i) The applicant shall make himself available before the Investigating

Officer for interrogation as and when required.

- (ii) The applicant 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 the Investigating Officer.

This Anticipatory Bail Application stands disposed of in terms of the above.

JUDGE

Comparing Assistant