

GAHC010224062023



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

Case No. : AB/3403/2023

MANURANJAN SAIKIA
S/O GOPAL SAIKIA, R/O DOLGAON, P.S.-KALIABOR, DIST-NAGAON,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE SPECIAL PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 18-10-2023

Heard Mr. S.M. Abdullah P., learned counsel for the applicant and also heard Mr. B. Sarma, learned Special Public Prosecutor Wild Life.

2. This application under Section 438 of Code of Criminal Procedure is preferred by Manuranjan Saikia who has been apprehending arrest in connection with Jakhalabandha Police Station Case No. 122/2023 under Sections

9/39/44/48(A)/49(B)/51 of the Wild Life Protection Act.

3. It is to be noted herein that the above noted case has been registered on the basis of one FIR lodged by SI Abhinav Das of Jakhalabandha Police Station on 23.08.2023. The essence of allegation made in the FIR is that acting on a tip off, on 22.08.2023, at around 9.15 PM, the informant along with police personnel conducted search in the house of Gafur Qureshi and apprehended four persons namely Gafur Qureshi, Wakil Qureshi, Saiful Islam and Aditya Sharma and recovered 12 numbers of elephant ivories, two numbers of tiger canine teeth, fifteen numbers of rhino hooves, some pangolin scales and five mobile phones and seized the same in presence of the witnesses.

4. Mr. S.M. Abdullah P., learned counsel for the applicant submits that the name of the applicant finds no mention in the FIR and he is no way involved with the offence alleged in the FIR and he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. B. Sarma, learned Special Public Prosecutor Wild Life has produced the case diary before this Court and submits that the materials collected so far in the case diary are inadequate to show complicity of the applicant with the offence alleged in the FIR.

6. Having heard the submissions of the learned Advocates for both sides, I have gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Special Public Prosecutor, Wild Life.

7. In view of the materials collected so far in the case diary and also in view of the submissions of the learned Advocates for both the parties, custodial interrogation of the applicant seems to be not warranted in this case. And

therefore, this Court is inclined to allow this petition.

8. It is provided that in the event of arrest of the applicant namely, Manuranjan Saikia, in connection with Jakhalabandha Police Station Case No. 122/2023, he shall be released on pre-arrest bail on his executing a bond of Rs.50,000/- (Rupees Fifty Thousand) with one surety of like amount to the satisfaction of the arresting authority. The above privilege is, however, subject to the following three conditions:

- I) The applicant shall make himself available for interrogation by the Investigating Officer 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 him from disclosing such facts to the Court or to any police officer; and
- III) The applicant shall not leave the jurisdiction of the learned Sub-Divisional Judicial Magistrate (SDJM), Kaliabor without prior permission.

9. In terms of above, this anticipatory bail application stands disposed of. Case diary be returned.

JUDGE

Comparing Assistant