

GAHC010008132024



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

Case No. : AB/126/2024

DHRUBA DAS
S/O DHARMA KANTA DAS BORMURA MIRI PATHAR P.O. AND P.S.
SAIKHOWA GHAT DHOLA DIST. TINSUKIA ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR A NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 12-02-2024

Heard Mr. A. Nath, learned counsel for the petitioner Dhruba Das.

2. The petitioner has filed this application under Section 438 of the Code of Criminal Procedure, 1973 (CrPC for short) as he is apprehending arrest in connection with BI (EO) Police Station Case No. 21/2023 under Sections 120B/379/411/119 of the Indian Penal Code (IPC for short) read with Section

35/41 of Assam Forest Regulation (Amendment) Act, 1995.

3. It is submitted that a notice under Section 41(A) of the CrPC was also issued against the petitioner and he has also appeared before the Investigating Officer and has cooperated with the investigation.

4. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondent State who has submitted that the petitioner has appeared before the Investigating Officer and he has cooperated with the investigation.

5. The FIR unfolds that a news item was published in Axomiya Pratidin dated 04.03.2023 and a preliminary enquiry was conducted by the investigating team and it was unearthed that the accused named in the FIR were engaged in cutting timber illegally from the Dibru- Saikhowa National Park and transporting the timber through the river Brahmaputra as well as by road from Sadiya, Tinsukia and Dibrugarh in connivance with various forest officials and police personnel. Several saw mills have also been set up namely, Khan Saw Mill, Santosh Kumar Dheliya Saw Mill, Raj Saw Mill, Rupai Saw Mill, Asu Das, Mukti Sing Kamavatar Saw Mill, Das & Das Saw Mill etc. on the banks of river Brahmaputra near Dibrugarh town and the timber are smuggled and sawed in these mills. The report also named Pradip Modi, Writuraj Buragohain, Raju Medhi, Kalyal Sonowal, Mohan Sonowal, Hemanta Moran, Gunin Gogoi, Dharani Gogoi, Sanjay Sarma and Wajib Khan of Tinsukia district relating to illegal timber business.

6. It is submitted on behalf of the petitioner that the petitioner is not named in the FIR. He was apprehending arrest as a notice under Section 41(A) of the CrPC was issued against him.

7. I have considered the submissions that the petitioner has already

appeared before the Investigating Officer and has also cooperated with the investigation. The Investigating Officer has not arrested the petitioner in connection with this case. The petitioner is cooperating with the investigation. It is further submitted that after the petitioner appeared before the Investigating Officer, a subsequent notice under Section 41(A) of the CrPC has been issued against him. The petitioner is a local resident and he has pledged to cooperate with the investigation. As the petitioner has already cooperated with the investigation, I deem it proper to allow the petition.

8. In the event of his arrest, the petitioner shall be enlarged on bail on furnishing a bail bond of *Rs.30,000/- (Rupees Thirty Thousand)* with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that:

- i) The petitioner shall appear before the Investigating Officer and cooperate with the investigation.
- ii) The petitioner shall refrain from such activities with which he is alleged.
- iii) The petitioner shall appear before the Investigating Officer on every fortnight till completion of the investigation.

9. On breach of any bail conditions, bail order shall stand cancelled.

Send back the Case Diary.

In the above terms this Anticipatory Bail application stands disposed of.

JUDGE

Comparing Assistant

