

GAHC010066032024



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

Case No. : AB/839/2024

MOTIO NARZARY
S/O ANTENG NARZARY, R/O DWIMUGURI, P.O.-MALIVITA, P.S.-AMGURI,
DIST- CHIRANG, PIN-783393, ASSAM

VERSUS

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

Advocate for the Petitioner : MR. R B GOHAIN

Advocate for the Respondent : SC, FOREST

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 19.06.2024

Heard Mr. R. B. Gohain, learned counsel for the petitioner. Also heard Mr. R. Borthakur, learned Standing Counsel, Forest Department.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, seeking privilege of pre-arrest bail for the accused/petitioner, namely, Motio Narzary who is apprehending arrest in

connection with O.R. Case No. AMT/2014 dated 12.08.2023 registered under Sections 9/ 31/ 35(6)/ 35(8)/ 39 and 49(B) of the Wild Life (Protection) Act, 1972.

CD received, perused the same and heard both the sides.

It is submitted by Mr. R. B. Gohain, learned counsel for the petitioner that the present petitioner is innocent and it is nowhere involved in the alleged offence. Further, in the complaint petition there is no allegation has been brought against the present petitioner. More so, after obtaining the order of pre-arrest bail dated 01.04.2024, he appear before the Investigation Officer and co-operate in the investigation of this case. He is still ready and will co-operate the Investigating Officer in further investigation of this case, if he is grated with the privilege of pre-arrest bail.

In the context, Mr. R. Borthakur, learned Standing Counsel, Forest Department submitted that he appear before the Investigating Officer and co-operate in the investigation of this case, his statement is also recorded by the Investigating Officer in connection of this case.

He further submitted that considering the materials available in the case, his prayer may be allowed. However, his co-operation may be needed and the accused may be directed accordingly.

Considering the submissions made by the learned counsels for both sides and on perusal of the case diary, I find that custodial interrogation of the present accused petitioner is not required in further investigation of this case, however he is directed to appear before the Investigating Officer as and when his presence will be required.

In view of above, the interim pre-arrest bail dated 01.04.2024 is hereby

made absolute in the same terms and conditions.

JUDGE

Comparing Assistant