

GAHC010073572024



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

Case No. : Bail Appln./1035/2024

BHAITI DAS AND 3 ORS
S/O LATE PREMEDHAR DAS
R/O VILL- DIPORA
P.S. HELEM
DIST. BISWANATH, ASSAM

2: SRI BABUL DAS
S/O LATE SORULORA DAS
R/O VILL- DIPORA
P.S. HELEM
DIST. BISWANATH
ASSAM

3: SRI DALIM DAS
S/O BOLORAM DAS
R/O VILL- DIPORA
P.S. HELEM
DIST. BISWANATH
ASSAM

4: SRI CHANDRA DAS
S/O RABINDRA DAS
R/O VILL- MELBAZAR DENIGAON
P.S. HELEM
DIST. BISWANATH
ASSA

VERSUS

THE STATE OF ASSAM
THROUGH THE PP, ASSAM

Advocate for the Petitioner : A B T HAQUE

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 10.05.2024

Heard Mr. A.B.T.Haque, learned counsel for the petitioners as well as Mr. B.Sharma, learned Special P.P. , Wildlife for the State respondent.

By filing this petition under Section 439 Cr.P.C., the petitioners, namely, **1. Bhaiti Das and 2. Babul Das, 3. Dalim Das and 4. Chandra Das** have prayed for grant of bail in connection with **Offence No.ER/03 /2024** under Section 9 r/w Section 2 (16)/27/29/31/35 (A)/52 and punishable under Section 51 of Wildlife Protection Act, 1972 and Wildlife (Protection) Amendment Act, 2009.

The learned counsel for the petitioners submits that the petitioners have entered into the protected area i.e. Kaziranga for fishing. The petitioners are in judicial custody for last 48 days since they were arrested on 23.03.2024 and as such, considering the length of detention, petitioners may be released on bail.

The learned Addl.P.P. has produced the case diary and submits that the petitioners entered into protected area for fishing. From their possession, some fishing nets, one boat, some fish and mobile handsets were seized.

On perusal of the case diary and considering all the aspects of the matter as well as considering length of detention of the petitioners in judicial custody for 48 days, this Court is of the considered opinion that further custodial interrogation of the petitioners in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioners named above shall be released on furnishing bail bond of **Rs. 50,000/- each** with one surety each of like amount to the satisfaction of the learned **SDJM, Bokakhat** subject to the following conditions;-

- (i) The petitioners shall not leave the territorial jurisdiction of learned **SDJM, Bokakhat** without prior written permission from him/her;
- (ii) That the petitioners shall cooperate with the Investigating Officer as and when required;
- (iii) That the petitioners 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 Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant