

GAHC010090652023



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

Case No. : AB/1542/2023

LACHIT HAZARIKA
S/O LATE DODHI HAZARIKA
R/O BGHMARI
P.S. JAKHALABANDHA
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE SPECIAL PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

12.01.2024

Heard Mr. S.M. Abdullah P, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Offence Report No.WR/01/2023 under

Section 27, 29, 31, 32, 52 of the Wildlife (Protection) Act, 1972, read with Section 51B of the Wildlife Protection Assam Amendment Act, 2009, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Lachit Hazarika for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned report has been registered on the basis of one complain lodged by one Bibit Dehingia, Range Forest Officer, Western Range Bagori on 19.03.2023. The essence of allegation made in the aforesaid report is that in connection with unauthorized entry and illegal fishing in the Kaziranga National Park on 18.03.2023, in the midnight at Gorakati, Bahu Beel, Bor Beel and Murfuloni anti poaching camp area, a search was conducted by Sri Mohendra Rajkonwar, Forester-I and recovered 12.9 kg of Bheo fish, one fishing net, 4 plastic bags, one jacket, 5 bamboo sticks, one catapult, one torch light etc. near Bidhoba Kathoni under Gorakati Antipoaching Camp and about 11/12 persons ran away from the aforesaid place and they were detected in the electronic eye camera installed at Borbeel Antipoaching Camp.

4. Mr. Abdullah, learned counsel for the applicant submits that the applicant was granted the privilege of interim pre-arrest bail by this Court on 03.05.2023 and pursuant to the said order, the applicant had appeared before the I.O. and cooperating with the investigating agency and therefore, it is contended to make the interim order dated 03.05.2023 absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor has produced the case diary before this Court and submits that material part of the investigation is almost completed.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Additional P.P.

7. The case diary indicates that the applicant had appeared before the I.O. and he has been cooperating with the investigating agency. Further, it appears that the I.O. has achieved substantial progress in the investigation of the case and custodial interrogation

of the applicant for the purpose of investigation, seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 03.05.2023 absolute, in the same terms and conditions.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant