

GAHC010123032024



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

Case No. : Bail Appln./1803/2024

EUSUF ALI
S/O SHAHJAHAN ALI
VILL- NAITOR, BIDYANAGAR,
P.S. NAGARBERA,
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. A PARAMANIK

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 11.07.2024

Heard Mr. A. Paramanik, learned counsel for the petitioners and Mr. B. Sarma, learned Special PP, Wild Life appearing for respondent.

2. The petitioner, who was arrested on 15.05.2024, is seeking regular bail under section 439 Cr.P.C. in connection with Forest Offence No. NBR/14 of 2024-

25 under section 50 of Wildlife (Protection) Act, 1972.

3. The learned Special PP has produced the offence report which reveals incriminating material against the petitioner who was found with a live Tokay Geeko during checking. It appears that the said animal is included as an endangered species under Schedule 4 to the Wildlife (Protection) Act, 1972.

4. Be that as it may, as the petitioner has spent 57 days in judicial custody, and the statutory period of arrest is 60 days within which charge-sheet is required to be filed, the Court is of the considered opinion that further custodial interrogation of the petitioner may not be necessary. Hence, the Court is inclined to grant bail to the petitioner, namely, Eusuf Ali in connection with the aforesaid case on furnishing bail bond of Rs.30,000/- with one suitable surety of like amount to the satisfaction of the learned Judicial Magistrate First Class, Boko.

5. The bail is granted on the following conditions:

i. The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.

ii. The petitioner 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 Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

iii. The petitioner shall not obstruct the smooth progress of the investigation/trial.

iv. The petitioner shall not misuse his liberty in any manner.

v. The petitioner shall appear before the I/O within 15 (fifteen) days from today and he shall continue to appear once a month till his appearance is dispensed with or charge-sheet is filed, whichever is earlier.

vi. In the event the petitioner is found to be involved in any forest offence or offence under Wildlife (Protection) Act, it would be open to the I.O. to move the jurisdictional Court for cancellation of bail.

6. This application stands disposed of.
7. Offence report is returned.

JUDGE

Comparing Assistant