

GAHC010124052024



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

Case No. : AB/1625/2024

PARIMAL PATRA AND 4 ORS.

S/O KANU PATRA, R/O 2 NO. KOHORA, P.O.-KAZIRANGA NATIONAL PARK,
P.S.-BOKAKHAT, DIST- GOLAGHAT, PIN-785609, ASSAM

2: DANIEL NAYAK

S/O MANU NAYAK

R/O 2 NO. KOHORA

P.O.-KAZIRANGA NATIONAL PARK

P.S.-BOKAKHAT

DIST- GOLAGHAT

PIN-785609

ASSAM

3: WULIUM GANAK

S/O JICHUWA GANAK

R/O 2 NO. KOHORA

P.O.-KAZIRANGA NATIONAL PARK

P.S.-BOKAKHAT

DIST- GOLAGHAT

PIN-785609

ASSAM

4: PRAFULLA GANAK

S/O KINA GANAK

R/O 2 NO. KOHORA

P.O.-KAZIRANGA NATIONAL PARK

P.S.-BOKAKHAT

DIST- GOLAGHAT

PIN-785609

ASSAM

5: ABHINASH GANAK

S/O CHALOS GANAK

R/O 2 NO. KOHORA

P.O.-KAZIRANGA NATIONAL PARK
P.S.-BOKAKHAT
DIST- GOLAGHAT
PIN-785609
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE SPECIAL PUBLIC PROSECUTOR (WILDLIFE),
ASSAM

Advocate for the Petitioner : MR. K BORUAH, MS. P BORAH,MR. M ALAM
Advocate for the Respondent : SPECIAL PP ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

02.08.2024

Heard Mr. K. Boruah, learned counsel for the petitioners. Also heard Mr. D. Gogoi, learned Special Public Prosecutor, Forest.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioners, namely, **(1) Parimal Patra (2) Daniel Nayak (3) Wulium Ganak (4) Prafulla Ganak and (5) Abhinash Ganak**, in connection with **Offence Case No. KR/04 of 2024** registered under **Section 9/27/29/31/39 & 52 read with Sections 2(16) of Wildlife (Protection) Act and punishable under Sections 51 of Wildlife (Protection) (Assam Amendment) Act, 2009.**

It is submitted by the learned counsel for the petitioners that one of the accused namely, Moon Ali as per FIR was found along with the fish and he was arrested. He further submitted that nothing was recovered from the possession of the present petitioners and they were no way connected with this case and

their names are also not reflected in the FIR. In view of above, the benefit of pre-arrest bail may be extended to the petitioners.

On the other hand, Mr. D. Gogoi, learned Special Public Prosecutor, Forest submits that petitioner No.1 is an ex-employee of Forest Department and he involved with such type of offences and another similar type of case is pending against him. So, he submits that custodial interrogation of the petitioner No.1 is required. Regarding other petitioner Nos. 2 to 5 he submits that they may appear before the IO for recording their statements.

I have considered the submissions made by the learned counsel for the parties.

As there is sufficient incriminating material against the petitioner No.1, bail application of the petitioner No.1 stands rejected.

Considering the submission made by the learned counsel for the parties as well as the materials available in the petition, this Courts finds that custodial interrogation of the petitioner Nos. 2 to 5 are not required for the purpose of investigation of the case. Therefore, they may be granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest, the petitioner Nos. 2 to 5, named above, shall be released on pre-arrest bail, in connection with the above noted case on furnishing bail bond of **Rs. 20,000/- each** with **a suitable surety** of the like amount each, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the

petitioner Nos. 2 to 5:

(a) shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;

(b) 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 Court or to any police officer.

Accordingly, the anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant