

GAHC010145662024



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

Case No. : AB/1911/2024

SHIBO DEY @ SIBSANKAR DEY
S/O LATE NANDA DULAL DEY
R/O NO. 1 LAZUM, P.O. AND P.S. MARGHERITA
DIST. TINSUKIA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR B PUSHILAL

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 30.07.2024

Heard Mr. B. Pushilal, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Special Public Prosecutor, Department of Forest.

By this petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner, namely, **Shibo Dey @ Sibsankar**

Dey, has prayed for granting anticipatory bail, apprehending arrest in connection with CR Case No. 13/2024 (corresponding to Offence No. LP/36 of 2023-24) under Section 24/25(a)25(d)/25(e)/25(f)/33/34/35/40/41/49 of Assam Forest Regulation (hereinafter AFR).

Learned counsel for the petitioner has submitted that petitioner is a manager of a saw mill located at Jairampur, Arunachal Pradesh. It is also submitted that the peititoner is no way connected with the alleged offence as alleged in the FIR. It is further submitted that the petitioner received a notice under Section 41 A(1) Cr.P.C. in connection with the alleged case as such, he is apprehending arrest and filed this present application. Considering the background of the case, the previlege of pre-arrest may be considered to the petitioner.

Mr. Sarma, learned Special Public Prosecutor, Department of Forest has produced the case diary and stating that the petitioner is the owner of Roujen Vaneer Mill located at Jairampur, Arunachal Pradesh and he purchased Hollong logs illegally inside the reserve forest of Lekhapani Range. It is also submitted that the offence as alleged in the FIR areailable in nature except Section 41 AFR.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

Considering the facts as well as the documents available in the case diary, this Court finds that custodial interrogation of the petitioner is not required for the purpose of investigation of the case. Therefore, he is granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioner, named above, in connection with CR Case No. 13/2024 (corresponding to Offence No. LP/36 of 2023-24) under Section 24/25(a)25(d)/25(e)/25(f)/33/34/35/40/41/49 of Assam Forest Regulation,

he shall be released on furnishing bail bond of **Rs.20,000/-** with **a suitable surety** of the like amount, to the satisfaction of the arresting authority.

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

(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 him from disclosing such facts to the Court or to any police officer.

The anticipatory bail application stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant