

GAHC010181782023



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

Case No. : AB/2904/2023

DHAN DAIMARY
S/O- LATE DAVID DAIMARY,
VILL- KUREHAMARI PART II,
P.O- KOTHAKUTHI,
P.S- DHUPDHARA, DIST- GOALPARA, ASSAM, PIN-783123

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. K K HANDIQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 19-01-2024

1. Heard Mr. K.K. Handique, learned counsel for the petitioner Dhan Daimary and Mr. I. Borthakur, learned counsel on behalf of Mr. D. Gogoi, learned Special Public Prosecutor for the Wildlife.
2. The petitioner has filed this application under Section 438 of the Code of

Criminal Procedure with prayer for pre-arrest bail as he is apprehending arrest for Offence No. DH/03/OR/127-129 dated 30.06.2023 under Sections 9, 39 & 51 of Wildlife (Protection) Act, 1972 & read with Sections 24, 25 of the Assam Forest Regulations 1981 and 49(1)(2) of the Assam Forest Regulation (amended). The petitioner is apprehending arrest because he is a suspect relating to death of an elephant at Gathiapara P.R.F. It is also submitted that the petitioner is a local resident and he will cooperate with the investigation.

3. The learned counsel for the Wildlife has raised objection.
4. I have considered the submissions at the bar with circumspection. I have considered the submissions that the petitioner has cooperated with the investigation. He has appeared before the investigating agency. His statement has been recorded. He has not violated any bail conditions.
5. Considering all aspects and in view of my foregoing discussions, interim order dated 20.11.2023 is hereby made absolute under the conditions that:
 - (1) *The petitioner shall cooperate with the remaining part of the investigation.*
 - (2) *The petitioner shall refrain from such activities with which he is alleged.*
6. On breach of any bail conditions, bail order shall stand cancelled.
7. In the above terms and conditions this anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant