

GAHC010183432024



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

Case No. : Bail Appln./2679/2024

GAJI RAHMAN AND ANR
S/O AJGAR ALI, R/O VILL- LALKURA PT-II, P.O.-SAHEBGANJ,
NAICHERLEUTI, P.S.-GAURIPUR, DIST-DHUBRI, ASSAM, PIN-783331

2: JAHANGIR ALI
DHUBRI

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M A MONDAL, MR. A ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

12.09.2024

1. Heard Mr. M. A. Mondal, learned counsel for the petitioners namely, (i) Gaji Rahman, and (ii) Jahangir Ali.
2. The petitioners have filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as they are behind bars

since 02.08.2024 in connection with Ref:Letter No. RP/24-25/Arrest/64/51 registered under Sections 24/25/40/41/49 of Assam Forset Regulation, 1891 and Amended Act, 1995.

3. Heard Mr. D. Gogoi, learned Standing Counsel, Forest for the respondents.

4. The allegation against the petitioners are that they were found felling Sal and Non Sal trees inside the forest reserve. It is submitted on behalf of the petitioners that the petitioner No. 1 is the care taker of the Rupsi Forest Office, Rupsi Range and the petitioner No. 2 is the driver of the tractor seized in connection with this case.

5. I have considered the submissions at the Bar. I have considered the length of detention. It appears that further custodial detention may not be required for the progress of investigation. Articles have already been seized in connection with this case.

6. Considering all aspects, petition is allowed. The petitioners shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with a suitable surety of like amount to the satisfaction of the learned CJM, Kokrajhar under the conditions that:

(i) The petitioners shall co-operate with the remaining part of the investigation and appear before the Investigating Officer on every fortnight till completion of investigation,

(ii) The petitioners shall refrain from such activities with which they are alleged, and

(iii) The petitioners shall not leave the jurisdiction of the Court without prior permission.

7. On breach of any of the bail conditions, bail order shall stand automatically cancelled.
8. In terms of the above observation, bail application stands disposed of.

JUDGE

Comparing Assistant