GAHC010039372020

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

Case No. : Bail Appln. 498/2020

1:DHANANJAY KIRTONIYA AND ANR.
S/O- NOKUL KIRTONIYA, VILL- CHALANTAPARA PART-IV, P.S. JOGIGHOPA, DIST.- BONGAIGAON, ASSAM

2: ISMAIL HUSSAIN
S/O- GIYASUDDIN
VILL- CHALANTAPARA PART-IV
P.S. JOGIGHOPA
DIST.- BONGAIGAON
ASSA

VERSUS

1:THE STATE OF ASSAM
REP. BY SPL P.P., WILDLIFE FOREST ASSAM

Advocate for the Petitioner : MR. N UDDIN

Advocate for the Respondent : SPL PP WILDLIFE FOREST ASSAM

BEFORE
HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

O R D E R

19-02-2020.

By filing this petition under Section 439 of the CrPC, the two petitioners namely, (1) Sri Dhananjay Kirtoniya & (2) Ismail Hussain have prayed for their release on bail, who are in custody since

30.12.2019, in connection with Forest C.R. Case No.4/2019 (Offence Report No.ABR/45 of 2019-2020), under Section 9/39/48(A)/49/50/51 of the Wildlife (Protection) Act, 1972 read with Section 379 of the IPC.

Heard Mr. N. Uddin, learned counsel for the accused/petitioners and Mr. B. K. Mahajan, learned Special Public Prosecutor for the Wildlife Forest, Assam and also perused the case record.

As per the allegation, one Pangolin (a Schedule-I mammal), was recovered from the accused persons and they were arrested on 30.12.2019. On earlier occasion, their bail prayer was rejected.

Considering the length of detention, it may be inferred that investigation might have completed by this time and the accused/petitioners will complete their statutory period of detention within few days.

Having regard to the submission made before this Court and considering all entirety including the length of detention, this Court is of the opinion that release of the accused/petitioners at this stage will not hamper the investigation.

Accordingly each of the accused/petitioners, named above are allowed to go on bail of Rs.20,000/- with one surety of like amount, to the satisfaction of the learned Sub-Divisional Judicial Magistrate(M), North Salmara at Abhayapuri, in connection with Forest C.R. Case No.4/2019.

The bail petition stands disposed of.

JUDGE

Comparing Assistant