GAHC010157562020

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

Case No. : Bail Appln./2397/2020

SHASHI DOLEY
S/O SRI MONIRAM DOLEY, VILL-MOHMAIKI GAON, P.S.-BOKAKHAT, DIST-GOLAGHAT, ASSAM

VERSUS

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

Advocate for the Petitioner : MR L SARMA

Advocate for the Respondent : SPL PP WILDLIFE FOREST ASSAM

B E F O R E

HON'BLE MR. JUSTICE HITESH KUMAR SARMA

18-12-2020

This is an application made under Section 439 Cr.P.C., seeking bail by the accused-petitioner, namely, ***Sri Shashi Doley***, in connection with ***Bokakhat Offence No.BK.R/29 of 2020 dated 06.10.2020***, registered under Sections ***39(2), 40(2)(A), 43, 48A, 49B read with Section 2(2), 2(31)(b), 49A (a)(b) & 52 and punishable u/s 51 of Wildlife (Protection) Act, 1972 and the Wildlife (Protection) (Assam Amendment) Act, 2009.***

Heard Mr. K. Malakar, learned counsel for the petitioner. Also heard Mr. D. Bora, learned counsel on behalf of Special Counsel under the Wildlife Protection Act Mr. B.K. Mahajan, learned counsel for the respondent.

Learned counsel for the petitioner has submitted that the petitioner has in custody for 71 days as on date.

Mr. Bora, learned counsel appearing for the respondent has fairly submitted that 60 days is the statutory period for completion of the investigation and the investigation has not yet been completed.

Hence, this Court is of the view that the petitioner is entitled to default bail.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with the case aforementioned on furnishing bail bond of Rs.20,000/- with two suitable sureties of the like amount, to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bokakhat Sub-Division, Bokakhat.

The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned Sub-Divisional Judicial Magistrate, Bokakhat Sub-Division, Bokakhat, without prior written permission from him;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant