GAHC010157932020

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

Case No. : Bail Appln./2416/2020

KIRAN PEGU AND ANR.
S/O SRI BHIKARI PEGU, R/O BALIJAN, LOHITMUKH, P.S.-GOHPUR, DIST-BISWANATH, ASSAM

2: BIRINCHI KUBANG
S/O SRI KUMAR KUBANG
R/O VILL-AJLIGURI PISALA
P.S.-GOHPUR
DIST-BISWANATH
ASSA

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:THE STATE OF ASSAM
REPRESENTED BY THE SPECIAL PUBLIC PROSECUTOR
WILDLIFE
ASSA

Advocate for the Petitioner : MR. L GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

10.12.2020:

Heard Mr. L. Gogoi, learned counsel for the petitioners. Also heard Mr. D. Bora, learned counsel appearing on behalf of Mr. B. K. Mahajan, learned Special Public Prosecutor of Wildlife, Assam.

This is an application, filed under Section 439 of the Cr.PC. seeking bail of the accused-petitioners, namely, ***Sri Kiran Pegu and Sri Birinchi Kubang,*** in connection with ***Gohpur P.S. Case No. 27/2014 (GR Case No.130/2014)*** registered under Section 51 of the Wild Life (Protection) Act, 1972 and Section 25 (I-A)/27 Arms Act.

The offence alleged in this case is in respect of recovery of one carcass of male rhino without horn at Bogay Chapori of Kaziranga National Park as well as two numbers of empty cartridges near the carcass. The petitioners were suspected to have committed the offence of killing of the rhino involved in this case. But the alleged occurrence of the instant case had taken place on 15.02.2014. The investigation although has not been completed, the accused-petitioners are in custody for 86 days as on date.

Considering such facts as well as the period of detention, this Court is of the view that the accused-petitioners be granted bail.

Accordingly, the accused-petitioners, named above, shall be released on bail in connection with ***Gohpur P.S. Case No. 27/2014 (GR Case No.130/2014)*** on furnishing bail bond of Rs. 25,000/- each with two suitable surety each of the like amount, to the satisfaction of learned SDJM(M), Gohpur on the following conditions:

(a) The accused-petitioners shall appear before the

Investigating Police Officer once in a week for two months;

(b) The accused-petitioners shall not leave the territorial jurisdiction of learned SDJM(M), Gohpur, without prior written permission from him;

(c) The accused-petitioners shall not hamper with the investigation, or tamper with the evidence of the case; and

(d) The accused-petitioner 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 petition stands disposed of accordingly.

Return the case dairy.

JUDGE

Comparing Assistant