GAHC010159572020

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

Case No. : AB/3203/2020

HAFIZ UDDIN
S/O. LT. ASHAMUDDIN, VILL. GHULIRPAR, P.S. LAOKHOWA CHAPORI,
DIST. SONITPUR, ASSAM, PIN-782124.

VERSUS

THE STATE OF ASSAM
REP. BY SPL. PP, WILD LIFE, ASSAM.

Advocate for the Petitioner : MR. I CHOUDHURY

Advocate for the Respondent : SPL PP WILDLIFE FOREST ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 14-12-2020

Heard Mr. I. Choudhury, learned counsel appearing for the applicant. I have also heard Mr. B.K. Mahajan, learned Special P.P., Wildlife Protection Act, Assam appearing for the State.

By filing this application under Section 438 Cr.P.C. the applicant has approached this Court for the second time seeking pre-arrest bail in connection with offence NO. BR/04 of 2020 under Section 9 read with Sections 27, 29, 31 and 52 and punishable under Section 51 of Wildlife (Protection) Act, 1972 and the Wildlife (Protection) (Assam Amendment) Act, 2009.

By the order dated 09-10-2020 passed by this Court in A.B. No. 2446/2020, similar prayer for anticipatory bail made by the applicant was earlier rejected by this Court after perusal of the Case Diary.

Referring to Annexure- 4 of the application, Mr. Choudhury submits that the petitioner is suffering from serious heart ailments and therefore, there is a new ground for approaching this Court by filing the present application.

Mr. Mahajan, learned Special P.P. has, however, strongly opposed the prayer made in this application by submitting that the petitioner is the kingpin of the racket responsible for poaching on protected animals and therefore, there is a strong possibility that he will repeat the offence, if enlarged on bail.

By referring to the Case Diary, Mr. Mahajan submits that the custodial detention of the petitioner would be necessary in this case. The learned Special P.P. has also invited the attention of this Court to the amended provision of Section 51(B) of the Wildlife (Protection) (Assam Amendment) Act, 2009 and submits that the Case Diary contains sufficient materials against the petitioner.

I have perused the Case Diary and have also gone through the statement made in the

application. The applicant is a named accused and is stated to be absconding. Since the rejection of the earlier application filed by the applicant, statements of the co-accused have been recorded, wherefrom, it transpires that there are sufficient grounds to seek custodial interrogation of the applicant. Moreover, the health ground taken in the application is also not properly substantiated by producing enough medical evidence.

In view of the above, the prayer for pre-arrest bail made by the applicant stands rejected.

This application stands disposed of.

JUDGE

GS

Comparing Assistant