

04.01.2022
Item no.08.
Court No.1.
S. De
(Rejected)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Via Video Conference)**

CRM No. 1245 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with C.R. Case No.357 of 2021 arising out of POR No. 33 /TG of 2021 Dated 21.08.2021 under Section 50 of the Wild Life Protection Act, 1972.

And

In the matter of: Motilal Limbu.

.....Petitioner.

Mr. Hillol Saha Podder,
Ms. Mousumi Das,for the Petitioner.

Mr. Nilay Chakraborty,
Ms. Namrata Das,for the State.

The charge against the petitioner is under Section 50 of the Wild Life Protection Act, 1972. The statutes for protection of wildlife have been enacted to protect the innocent creatures as well as the environment and ecological balance. It is important that the provisions of those statutes are enforced strictly.

The allegation is that the petitioner caused electrocution of an elephant. Certain G.I. wires and other electrical equipments were seized from the residence of the petitioner. The dead body of the elephant was found in close proximity to the house of the petitioner.

When this application was moved on December 23, 2021, an adjournment was prayed for on behalf of the State to enable the production of the case diary. The matter was directed to be listed before the next available circuit Bench which is the present one. It was further directed that till such time, the petitioner may not be arrested on condition that he shall make himself available for interrogation by the Range Officer & Forest Ranger, Targhera Range, Baikunthapur Division, Jalpaiguri.

Today, learned advocate for the petitioner has caused production of a letter dated December 31, 2021 allegedly addressed by the petitioner to the Range Officer & Forest Ranger. It is stated in the letter that pursuant to the order of this Court, the petitioner was attending before the Range Officer for co-operating with the investigation.

However, the State has produced a report signed by the concerned Range Officer. It is clear from the report that the petitioner did not appear before the Range Officer for interrogation excepting for submission of a prayer through his lawyer on January 3, 2022.

We are of the view that the petitioner has tried to pull a fast one on the Court. The receipt of the letter by the Range Officer does not, per se, show that the petitioner presented himself before the Range officer for interrogation. The petitioner has not adhered to the condition imposed on him by this Court. There is total lack of bona fide on his part.

The application for anticipatory bail is rejected.

C.R.M. No.1245 of 2021 is dismissed.

All parties shall act in terms of server copy of the order
downloaded from the official website of this Court.

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)