

AD-01
Ct No.01
Jalpaiguri
15.09.2023
SP

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM(SB) 12 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973

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And

In the matter of: LEKEN BASUMATARY

... appellant/petitioner

Mr. Hillol Saha Podder

... for the appellant/petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Kallol Nag

... for the State

1. Learned counsel for the petitioner argues that the petitioner was falsely implicated in a case under the Wild Life Protection Act, 1972. It is argued that while the petitioner was in custody in connection with a different complaint, the recovery was made, allegedly from an abandoned house, which is in full public view and could have been a location where the petitioner would have hidden poached items.

2. It is further submitted that the petitioner has been falsely implicated due to enmity with the forest officials.

3. Learned counsel for the State vehemently opposes the prayer for bail and contends that from 2014 till date, several cases have been initiated against the petitioner due to his activities.

Further, it is alleged that the petitioner is a resident of Assam, where he was arrested. That apart, the petitioner is the member of a pressure group in Assam, for which the State apprehends that in the event of grant of bail, it would be extremely difficult to trace out the petitioner.

4. Apart from the apprehension of the State, it is found that the recovery pertains to elephant tusks and tiger claws, which substantiate the complaint.

5. From the materials on record, I am convinced that the benefit of bail ought not to be granted to the petitioner at this stage, since, if so granted, the apprehension would remain that the petitioner may flee justice and escape from the State, and engage in similar activities again. The antecedents of the petitioner do not inspire confidence as well.

6. Hence CRM(SB) 12 of 2023 is dismissed.

(Sabyasachi Bhattacharyya, J.)