

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE JURISDICTION**

8.09.2023
Item no.9
Court No.01
P.P./S.D.

CRM (A) 650 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re: Zahirul Miya @ Ziarul Mia

.... Petitioner

Mr. Hillol Saha Podder

....for the petitioner

Mr. Aditi Shankar Chakraborty, APP,

Mr. Sourav Ganguly

..... for the State

Apprehending arrest in connection with Kotwali Police Station G.D.E. No. 1191 of 2023 dated 17.05.2023 under Sections 2(16)/9/39/44/49B/50 and Section 51 of the Wild Life (Protection) Act, 1972, the present application has been preferred.

Mr. Saha Podder, learned advocate appearing for the petitioner strenuously argues that the petitioner has been falsely implicated. Two accused persons who were arrested had already been granted bail by the learned Court below.

In view of such submission advanced by Mr. Saha Podder, by an earlier order dated 29.8.2023 this Court, directed

the petitioner to meet with the Investigating Officer twice within a week and to cooperate with the investigation.

Mr. Ganguly, learned Advocate appearing for the State, however, opposes the petitioner's prayer for anticipatory bail. He submits that there are strong incriminating materials on record against the petitioner and investigation is still continuing.

Drawing our attention to the report filed by the Range Officer, Cooch Behar-II Range, Mr. Ganguly submits that though the petitioner met with the Investigating Officer twice, but his assistance towards the investigation was very poor.

Mr. Ganguly further drawing our attention to the Wild Life (Protection) Act, 1972 submits that '*tokay gecko*' is an endangered reptile and the petitioner's custodial interrogation is very much necessary.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

Bearing in mind the accusations, in the light of the arguments as advanced, the extent of complicity of the petitioner in the alleged offence and taking note of the fact that '*tokay gecko*' is an endangered reptile and the conduct of the petitioner, we are not inclined to exercise discretion in his favour and his prayer for anticipatory bail is refused.

CRM (A) 650 of 2023 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)