

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

12.09.2024

Court No.3

Item. 18

(tudu/p.a)

CRM(SB) 9 OF 2024

In Re: An application for bail under Section 439 of the Cr.P.C read with Section 483 of the BNSS, 2023 filed on 02.09.2024 in connection CR Case No. 332 of 2024 arising out of P.O.R. no. 02/NP of 15.04.2024, under sections 9/39/49(b) of the Wild Life Protection Act, 1972.

And

In the matter of: **Bikram Mukherjee & Ors.**

...Petitioners.

**Mr. Surajit Basu,
Ms. Rinka Chakraborty.**

For the Petitioners.

**Mr. Aditi Shankar Chakraborty, Ld. APP.
Mr. Aniruddha Biswas.**

For the State

This is an application for bail by the petitioner who has been entangled as an accused person, in CR Case No. 332/2024 (425 of 2024) under Sections 9/39/49(b) and 51 of the Wild Life Protection Act, 1972.

Mr. Basu, learned Advocate appearing for the petitioners through video conference has stated firstly about the prolonged detention already undergone by the accused person that is for 149 days. He would further submit that the entire investigation in this case would be untenable in the eye of law and vitiable, due to non-compliance with the mandatory statutory provision like citing independent seizer witnesses or independent witnesses at the time of arrest of the accused person. He has further indicated that the live stock allegedly seized in connection with the present case is also unidentified and vague. He would submit that in the proceeding before the trial Court so far, the guilt of the accused person/petitioner would not be evident to have been successfully brought on record by the prosecution. In such circumstances he has sought for an order of bail for the petitioner.

The State has raised a strong objection as to the said prayer.

It is submitted on the basis of the documents available in CD that not only the seizure of live stock of tortoise has been made by police but also confessional statement of the petitioner is available indicating his involvement in commission of the crime as alleged. Mr. Biswas who has represented the State, has stated that the trial is in full swing right now and would be concluded within a very short period of time. He opposes the prayer for bail of the petitioner.

The nature and gravity of the offence alleged is undoubtedly worth to be taken into consideration. The trial is in progress whereas the materials in CD sufficiently indicates about petitioners involvement in the alleged crime. Therefore, if released at this stage, the possibility of the petitioner to evade the process the trial as well as be involved in the similar kind of offence again, cannot be overruled. Under such circumstances the Court has to ignore whatever period of detention the petitioner has undergone and reject his prayer for bail.

Hence, CRM (SB) 9 of 2024 is rejected.

However, the trial Court is requested to proceed in the trial of the case as expeditiously as possible without granted any unnecessary adjournments of the any of the parties therein.

CRM (SB) 9 of 2024 is disposed of.

(Rai Chattopadhyay, J.)