

09.01.2025

Item No.4

Ct.No.34

rc.

Allowed

C.R.M. (SB) 03 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of Bharatiya Nagarik Suraksha Sanhita 2023 filed in connection with the C.R. Case No. 299 of 2024 dated 21st October, 2024 (Reg No. 301 of 2024), arising out of POR No. 113/Kush of 2024-25 dated October 21, 2024 under Section 51 of the Wildlife Protection Act, 1972.

And

In Re : **1. Sagar Ali**
 2. Hazarul Haque

... Petitioners.

Mr. Souvik Mitter
Mr. Pawan Kumar Gupta
Ms. Sofia Nesar
Mr. Santanu Sett

... for the Petitioners

Ms. Manisha Sharma
Ms. Nahid Ahmed

... For the State.

Learned counsel for the petitioners submits that the petitioners are the driver and helper of the vehicle in question from which more than 60 turtles were recovered. According to the petitioners, the said turtles were in possession of the passengers who boarded the vehicle and they were not aware of the same at all. They are in custody for more than 80 days.

Learned counsel for the State produces the Case Diary and opposes the prayer. Learned counsel for the State takes this Court to the statement of the petitioners recorded in course of investigation wherein they have confessed their guilt.

I have considered the material available in the Case Diary. The petitioners in custody for more than 80 days. Prosecution report has been submitted. The petitioners are admittedly the driver and helper of the vehicle in question from where the turtles were recovered. Whether the statement of the petitioners given before the Investigating Agency can be the basis of their conviction in the matter and also whether they can be held responsible for the offence alleged shall be determined by the learned Trial Court at the appropriate stage of the proceedings.

Considering the period of detention of the petitioners, material available in the Case Diary as well as the fact that the prosecution report has been submitted, this Court is of the view that further detention of the petitioners is not required for the purpose of custodial interrogation.

Hence, the prayer for bail is allowed.

Accordingly, the petitioners being (1) Sagar Ali and (2) Hazarul Haque shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Gangarampur Sub-Divisional Court at Buniadpur, Dakshin Dinajpur subject to condition that the petitioners shall appear before the learned Trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to appear before the learned Trial Court without any justifiable cause, the learned Trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail, being CRM (SB) 03 of 2025, is, thus, disposed of.

Case Diary be returned.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)