

GAHC010030522021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./457/2021

SOFIQL ISLAM
S/O LATE MEHER ALI, R/O VILL-HARMOTI, P.O.-KUTHORI, P.S.-
JAKHALABANDHA, DIST-NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE SPECIAL PUBLIC PROSECUTOR, WILDLIFE,
ASSAM

Advocate for the Petitioner : MR. N BORAH

Advocate for the Respondent : SPL PP WILDLIFE FOREST ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

26-02-2021

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Sofiql Islam**, in connection with **Offence Case No. KR/10 of 2020, dated 09-10-2020**, registered under **Sections 39(2)/40(2)(a)/43/48(a)/ 49(b), read with Sections 2(2)/2(31) (b)/49A(a)(b) and 52 and 51 of the Wild Life (Protection) Act, 1972 as amended up-to-date.**

Heard Mr. N. Borah, learned counsel for the accused-petitioner, and Mr. D. Bora, learned counsel, appearing on behalf of Mr. B.K. Mahajan, learned Special Public Prosecutor, under the Wild Life Protection Act.

The case diary produced has been perused.

The accused-petitioner has been in custody for 21 days as on date. He has been arrested in connection with an offence allegedly committed in the year 2015.

From the materials in the case diary, it does not appear that there is any independent witness; rather, the entire allegation is based on the statement of the co-accused.

Considering the fact that the allegation pertains to the year 2015 and based on the statement of the co-accused, who was apprehended in the year 2020 in connection with some other case, in the considered view of this Court, further custodial detention of the petitioner is not necessary for the purpose of investigation of this case. That being so, the accused-petitioner is granted bail.

This Court has also noted the objection raised by Mr. Bora, learned counsel for the respondent.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with the case aforementioned on furnishing bail bond of **Rs.25,000/-** with **two suitable sureties, each** of the like amount, to the satisfaction of learned Sub-Divisional Judicial Magistrate (M), Bokakhat.

The direction for bail is further subject to the conditions that the accused-petitioner:

- (a) shall not leave the territorial jurisdiction of learned Sub-Divisional Judicial Magistrate (M), Bokakhat, without prior written permission from him;
- (b) shall not hamper with the investigation of the case and tamper with the evidence of the case;
- (c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant