

Bail Application No. 143/2020

04.04.2020:

None has appeared on behalf of the accused petitioner.

The Court works paralyzed due to Corona Virus pandemic and Nationwide Lockdown.

The Case Diary as called for has been received. Perused the same.

This is an application filed u/s 439 Cr.PC, praying for granting bail to accused person namely, Md. Saidul Islam in connection with Laharighat PS Case No. 81/2020 u/s 25(1)(A)/35 of the Arms Act.

The FIR dated 12.03.2020, lodged by Sri Ranjan Kumar Baruah, Range Forest Officer of Rajiv Gandhi Orang National Park, Silbori, Darrang discloses that on 10.03.2020, one hand made gun was recovered from the house of Md. Julhus Ali, Khairul, Loba Sheikh and Saidul Islam, residents under Laharighat Police Station but those persons were found absconding.

On going through the Preliminary Offence Report submitted by Sri Pranab Deka, Forest Officer of Orang National Park further discloses that the said seizure was made within 15 KMs radius of the Orang National Park and Tiger Reserve which shows every reason to suspect that they possessed the arm for the purpose of poaching of wild lives living in Orang National Park.

On receipt of the FIR, the Investigating Officer of this case has seized the gun from the Forest Officer and during investigation apprehended the accused Saidul Islam and forwarded him to the judicial custody.

On perusal of the Case Diary, it appears that the seized arm was sent for forensic examination and the other co-accused are yet to be arrested. The accused person has failed to produce any documents showing his entitlement to possess fire arms. The investigation is going on.

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Considering the nature of the offence as alleged, I am of the opinion that release of the accused at this stage might hamper in further investigation and as such the prayer for bail for the accused Md. Saidul Islam stands rejected at this stage.

The bail petition stands disposed of.

Send back the Case Diary along with a copy of this order to the Officer-in-Charge of Laharighat Police Station.

A copy (free of cost) of this order shall also be furnished to the learned advocate for the accused petitioner under the signature of the Head Assistant/Bench Assistant for his record/information.

Sessions Judge
Morigaon, Assam