

10.02.2021:

The bail petition no. 224/2021 filed u/s 439 CrPC on behalf of the accused Sri Biswajit Das in connection with Biswanath Chariali PS Case No. 16/2021 u/s 143/147/447/448/427/392 IPC r/w Sec. 3/4 Prevention of Damage to Public Property Act is taken up as the case diary as called for is received.

Heard learned counsel for both sides.

It has been submitted by the learned counsel for the petitioner that the accused is innocent. According to him, it was the accused who informed of the incident of attack by a wild buffalo at first to the forest officials.

Perused the case diary.

The accused has been under detention since 30.01.2021.

The informant, Sri Iqbal Hussain, Range Forest Officer, Central Range, Biswanath Ghat lodged an FIR on 14.01.2021 alleging inter alia that on the pretext of killing of a man by a wild buffalo in the Motokgaon, a group of miscreants from that village along with people of Natun gaon and Puranagaon of Biswanath Ghat came and damaged the Range Forest Office and staff barrack and other government properties situated there, burnt down a government vehicle and thatched huts in the campus of that office. It has also been reported that the miscreants snatched away a mobile handset and cash of Havildar Mahendra Nath. The estimated damage was computed to be about Rs. 20 lakh. The informant, Havildar, Mahendra Nath in a separate 'ejahar' dated 14.01.2021 corroborated the above FIR and alleged that the miscreants took away his mobile phone and a cash amount of Rs. 19,700/-.

Forwarding report of the accused dated 30.01.2021 shows that he was arrested as it appeared to the Investigating Officer that it was highly probable that he had come to the Forest Office after having consultations with the mob beforehand who had later caused the destruction. The accused was given seven days' police custody in the interest of proper investigation. The statements of the eye witnesses recorded u/s 161 CrPC and Sec. 164 CrPC do not reveal his direct involvement in the destruction or that he had instigated the mob. Statements of the witnesses on the other hand reveal that the mobile hand set and cash money disappeared from a bed during the incident.

Considering the same and the length of the detention of the accused, I find that further custodial detention of the accused is not required. The petition is therefore allowed.

The accused is allowed to go on bail of Rs.20,000/- (Rupees Twenty thousand) with one surety of the like amount to the satisfaction of the learned Elaka Magistrate on the conditions that i) he shall make himself available before the Investigating Officer once every week for three consecutive weeks and also as and when required to help him in the investigation of the case ii) he shall cooperate in the investigation of the case; iii) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so to dissuade him/her from disclosing such facts to the Investigating Officer or tamper with the evidence.

Return the case diary. The Misc. Case is disposed of accordingly.

Inform all concerned.

