

GAHC010017922023



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

Case No. : Bail Appln./366/2023

KALYAN JYOTI SONOWAL
S/O- SRI BHADRA KANTA SONOWAL, R/O- VILL.- NAKARI, P.S. NORTH
LAKHIMPUR, DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. J C GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 20.02.2023

Heard Mr. J.C. Gogoi, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Addl. P.P. for the State.

2. The petitioner, Kalyan Jyoti Sonowal, who was arrested on 09.01.2023 in connection with Raha P.S. Case No. 1/2023 under Sections 379

IPC read with section 23 of the Petroleum Act, 1934 and Sections 15(2) & 15(4) of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 as amended by Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Amendment Act, 2011 and Sections 3(2)(b) of the Prevention of Damage to Public Property Act, 1984 is seeking regular bail under Section 439 I.P.C.

3. The learned Addl. P.P. has produced the case diary and has opposed the prayer for bail on the ground that the petitioner is habitually involved in theft of crude oil from OIL pipeline by puncturing oil pipeline.

4. On a perusal of the case diary, it is seen that by damaging crude oil pipeline, which is a public property, pilferage of large scale of crude oil was committed. It may be mentioned that three incidents of theft of crude oil from pipeline were committed in quick succession, which are as follows:-

a. Theft of crude oil was committed from the crude oil pipeline in Nagaon and accordingly, Nagaon PS Case No. 1392/2022 was registered under Section 379 IPC read with Section 23 (a) of the Petroleum Act, 1934.

b. On 02.10.2022, another incident of theft of crude oil was committed from pipeline in Dharamtul area for which Dharamtul P.S. Case No. 62/2022 was registered under Section 379 IPC read with Section 23 of the Petroleum Act, 1934.

c. Yet another similar theft was committed in Raha on 02.01.2023 and accordingly, Raha P.S. Case No. 1/2023 was also registered under Section 379 IPC read with Section 23 of the Petroleum Act read with Section 15(2) and 15(4) of the Petroleum and Minerals Pipeline

(Acquisition of Right of User in Land) Act, 1962 as amended by Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Amendment Act, 2011 and Sections 3(2)(b) of the Prevention of Damage to Public Property Act, 1984.

5. The I.O. also strongly suspects that the petitioner is also involved in these three incidents of theft of crude oil. Witnesses examined by the I.O. specifically implicate the petitioner of his involvement in these theft cases.

6. Therefore, as it appears from the case diary that the I.O. suspects that the petitioner is also involved in similar other theft of crude oil from pipelines, at this nascent stage of investigation, the Court is not inclined to release the petitioner on bail.

7. The learned counsel for the petitioner has submitted that the petitioner is suffering from various ailments and he is also suffering from "right sided grade-I hydroureteronephrosis". In the context of his illness, the petitioner may be well advised to move the jurisdictional Court for an appropriate direction for providing him with treatment. The learned counsel for the petitioner has also submitted that the petitioner was got lured by offer made by the prime accused to supply diesel at low price to his Company, where he is working as Junior Officer (Safety) and he was arrested only on the basis of suspicion because he had received calls from the prime accused, however, the said projection does not impress the Court because the petitioner did not disclose to the I.O. the statement which he has made in para-4 of this bail application.

8. Therefore, the prayer for bail is rejected at this stage.

9. Case diary is returned.

JUDGE

Comparing Assistant