

GAHC010031912023



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

Case No. : Bail Appln./520/2023

SUKUR ALI @ SUKKUR ALI
S/O NABIBAR RAHMAN
R/O VIL- PUB- KALJAR,P.S. HOWLY
DIST. BARPETA, ASSAM
PIN- 781316

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. D CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 27.02.2023

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

2. The petitioner, Sukur Ali @ Sukkur Ali, who was arrested on

30.12.2022 in connection with Nagaon P.S. Case No. 1392/2022, under sections 379 and 401 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, read with section 3(2)(b) of Prevention of Damage to Public Property Act, 1984 has filed this bail application under section 439 Cr.P.C.

3. The learned Addl. PP has produced the case diary and has opposed the prayer for bail on the ground that in that area multiple incidents of theft of crude oil had been detected and that if the petitioner is enlarged on bail, it might hamper the progress of the investigation.

4. The case diary reveals that the petitioner was in contact with one of the co-accused, being the driver of the oil tanker on mobile phone. However, the witnesses examined by the I.O. do not implicate the petitioner of participating in the process of theft of oil. Therefore, as the petitioner has been in custody for 59 days, the Court is of the considered opinion that further custodial interrogation of the petitioner may not be necessary.

5. Therefore, the Court is inclined to grant bail to the petitioner, Sukur Ali @ Sukkur Ali in connection with Nagaon P.S. Case No. 1392/2022, on his furnishing a bail bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with 2 (two) solvent surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Nagaon.

6. Bail is granted on the following conditions:-

- a) That the petitioner 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 Court or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witnesses.

b) That he shall not obstruct the smooth progress of the trial.

c) That the petitioner shall not misuse his liberty in any manner.

d) That the petitioner shall not jump over the bail. The petitioner shall appear before the I.O. within a period of 7 (seven) days from the date of this order and shall continue to appear once every month till his personal appearance is dispensed with or charge-sheet is submitted, whichever is earlier. The petitioner shall appear before the I.O. within a period of 7 (seven) days from the date of this order and shall continue to appear once every month till his personal appearance is dispensed with or charge-sheet is submitted, whichever is earlier.

e) In the event any condition for grant of bail is violated, or if the police and other investigating agencies find that the petitioner is involved in any similar offence, it would be open to the police and/or other investigating agencies to move the jurisdictional Court and apply for cancellation of bail.

7. Return the case diary.

8. This application stands disposed of.

JUDGE

Comparing Assistant