

GAHC010045862023



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

Case No. : Bail Appln./851/2023

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
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. J C GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 10-03-2023

Heard Mr. B. Islam, learned counsel for the petitioner as well as Mr. M.P. Goswami, learned APP for the State.

2. The petitioner, namely, Kalyan Jyoti Sonowal who was arrested on 08.01.2023 in connection with Raha P.S. case no.01/2023 under section 379 IPC

read with section 15(2), 15(4) of the Petroleum & Mineral Pipe Lines Amendment Act 2011 read with section 3(2)(b) PDPP Act 1984 (corresponding GR no.07/2023), is seeking regular bail by filing this application under section 439 Cr.P.C.

3. The learned APP has opposed the prayer for bail on the ground that this is a second bail application after BA 366/2023 was rejected by an order dated 20.02.2023 and no new grounds have been made out in this application.

2. From the contents of the hereinbefore referred order dated 20.02.2023 passed in BA 366/2023, it is seen that the IO strongly suspects that the petitioner is involved in three incidents of theft of crude oil which was registered as Nagaon P.S. case no.1392/2022, Dharamtul P.S. case no.62/2022 and Raha P.S. case no.1/2023 and as per the FIR the petitioner was telephonically in contact with the prime-accused of the case. Hence, there is no doubt that there are incriminating materials against the petitioner in the case diary which appears from the said order dated 20.02.2023. However, considering that the petitioner has spent 61 days in custody, the Court is inclined to grant bail to the petitioner, namely, Kalyan Jyoti Sonowal, on furnishing a bail bond of Rs.1 lakh (Rupees one lakh only) with two solvent sureties of like amount to the satisfaction of the learned Chief Judicial Magistrate, Nagaon. Out of two bailors, one should offer his/ her immovable property as security for grant of bail.

4. 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.
- e) The petitioner shall appear before the Investigating Officer within 15 (fifteen) days from the date of his release and shall continue to so appear once a month thereafter, till his personal appearance is dispensed with or charge-sheet is submitted, whichever is earlier.
- f) If any of the condition for grant of bail is not complied with, and/or if the petitioner is found to be involved in any similar offence, it would be open to the Investigating Officer to move the jurisdictional Court for cancellation of bail and/ or for issuing fresh NBWA against the petitioner.

5. The application stands disposed of.

JUDGE

Comparing Assistant