

GAHC010052492023



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

Case No. : Bail Appln./909/2023

SUNIL KUMAR SAH
S/O SHRI RAJENDRA SAH
PERMANENT RESIDENT OF BAJHULA, P.S. CHAKLA, DIST. MOTIHARI,
BIHAR,
PRESENTLY RESIDING AT GANESHPARA P.S. FATASHIL AMBARI, IN THE
DIST. OF KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR A TALUKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 15.03.2023

Heard Mr. M. Biswas, learned counsel for the petitioner as well as Mr. Bankim Sarma, learned APP for the State.

The petitioner, Sri Sunil Kumar Sah, who was arrested on 22.01.2023 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 CrPC.

The learned Addl. P.P. has produced the case diary which was called for in connection with another matter and has opposed the prayer for bail on the ground that there are sufficient materials in the case diary to implicate the petitioner of having involved in theft of crude oil from OIL pipeline by puncturing the said oil pipeline.

It is also submitted that there are ground to believe that the petitioner is involved in three similar offence being Nagaon PS Case No. 1392/2022, Dharamtul P.S. Case No. 62/2022 and Raha P.S. Case No. 1/2023.

It is observed that this is the second application for bail as the previous application was dismissed by order dated 22.02.2023 passed in BA 589/2023.

Case diary discloses sufficient materials against the petitioner of his involvement in theft of crude oil. Nonetheless, as the petitioner has spent 52 days in custody, the Court is of the considered opinion that the further custodial interrogation of the petitioner is not required. Accordingly, considering the length of detention, this Court is inclined to release the petitioner named above on bail in connection with the case aforementioned on furnishing bail bond of Rs.1,00,000/- with two suitable sureties of like amount to the satisfaction of learned Chief Judicial Magistrate, Nagaon on the following conditions:

1. That the petitioner shall make himself available to the police

or any other investigating agency or Court in the present case as and when required.

2. 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 to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witnesses.

3. That he shall not obstruct the smooth progress of the investigation/trial.

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

5. That the petitioner shall not jump over the bail.

6. That the petitioner shall appear before the I.O. once in every fortnight till his appearance is dispensed with by the I.O., or filing of the charge-sheet, whichever is earlier.

7. As the petitioner is permanent resident of the State of Bihar, before the bail bond of the petitioner is submitted, the petitioner shall produce documents to show his permanent residential address at Bihar and he shall also provide his mobile number with an undertaking that till the charge-sheet is submitted in this case, he would not discontinue the operation of the said mobile number.

This bail application stands disposed of.

JUDGE

Comparing Assistant