

GAHC010054642023



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

**Case No. : Bail Appln./975/2023**

FAJALUR RAHAMAN AND ANR  
S/O- MAJI SHEIKH, R/O- VILL- GOROIMARI, P.S. MANIKPUR, DIST.-  
BONGAIGAON, ASSAM

2: ZAKIR HUSSAIN  
S/O- MOMEJ ALI  
R/O- VILL- POPRAGAON  
P.S. BONGAIGAON  
DIST.- BONGAIGAON  
ASSA

VERSUS

THE STATE OF ASSAM  
REP. BY P.P., ASSAM

**Advocate for the Petitioner : MR T H HAZARIKA**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

**ORDER**

**Date : 16.03.2023**

Heard Mr. A. Rashid, learned counsel for the petitioners. Also heard  
Mr. D.P. Goswami, learned APP appearing for the State.

2. The petitioners, (1) Fajalur Rahaman and (2) Zakir Hussain, who were arrested on 03.01.2023 in connection with Raha P.S. Case No. 1/2023, under section 379 IPC, read with section 23 of the Petroleum Act, and sections 15(2) & 15(4) of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 2011 and Sections 3(2)(b) of the Prevention of Damage to Public Property Act, 1984 is seeking regular bail under Section 439 Cr.P.C.

3. 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 petitioners of having involved in theft of crude oil from OIL pipeline by puncturing the said oil pipeline.

4. It is also submitted that there are ground to believe that the petitioners are 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.

5. 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 Bail Appln. No. 494/2023.

6. Case diary discloses sufficient materials against the petitioners of their involvement in theft of crude oil. Nonetheless, as the petitioners have spent 72 days in custody, the Court is of the considered opinion that the further custodial interrogation of the petitioners are not required. Accordingly, considering the length of detention, this Court is inclined to release the petitioners named above on bail in connection with the case aforementioned on furnishing bail bond of Rs.50,000/- each with one suitable sureties of like amount to the satisfaction of learned Chief Judicial Magistrate, Nagaon on the

following conditions:

I. That the petitioners shall make themselves available to the police or any other investigating agency or Court in the present case as and when required.

II. That the petitioners 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. They shall not, in any manner, try to overawe or influence or intimidate the prosecution witnesses.

III. That the petitioners shall not obstruct the smooth progress of the investigation/trial.

IV. That the petitioners shall not misuse their liberty in any manner.

V. That the petitioners shall not jump over the bail.

VI. That the petitioners shall appear before the I.O. within 10 (ten) days of their release and shall continue to appear once in every 15 (fifteen) days till their appearance is dispensed with by the I.O., or filing of the charge-sheet, whichever is earlier.

7. This bail application stands disposed of.

**JUDGE**

**Comparing Assistant**