

GAHC010064102023



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

**Case No. : Bail Appln./1103/2023**

AMIT CHOWDHURY  
S/O ATMA CHOWDHURY R/O HOUSE NO. 290 BYE LANE NO. 2 BLOCK D  
JYOTIKUCHI P.S. FATASIL AMBARI GUWAHATI 40 DIST. KAMRUP M  
ASSAM

VERSUS

THE STATE OF ASSAM  
REP .BY THE PP, ASSAM

**Advocate for the Petitioner : MR. P K ROYCHOUDHURY**

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

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

**ORDER**

**Date : 24.03.2023**

Heard Mr. P.K. Roychoudhury, learned counsel for the petitioner. Also heard Mr. Bankim Sarma, learned APP appearing for the State.

2. The petitioner, who was arrested on 10.01.2023, is seeking regular

bail under section 439 Cr.P.C. in connection with Raha Police Station Case No. 01/2023, under section 379 IPC, read with section 23 of the Petroleum Act and sections 15(2)/15(4) of the Petroleum and Mineral Pipe Lines Amendment Act, 2011 and sections 3(2)(b) of PDPP Act, 1984.

3. The learned APP has produced the case diary and opposed the prayer for bail on the ground that the prayer for bail of the petitioner was previously rejected by order dated 22.02.2023, passed in Bail Appln. No. 322/2023 and that no new ground is shown in this case.

4. Having regard to the contents of the case diary, it appears that there are incriminating materials against the petitioner of being involved in the commission of offence alleged.

5. Nonetheless, although the learned APP has opposed the prayer for bail, but considering that the petitioner is in custody for last 72 days, the Court is of the considered opinion that further custodial interrogation of the petitioner may not be necessary. Hence, the Court is inclined to grant bail to the petitioner, namely, Amit Chowdhury in connection with the aforesaid case on furnishing bail bond of Rs.50,000/- with one suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Nagaon.

6. Bail is granted on the following conditions:

- I. The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.
- II. 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 witness.

III. The petitioner shall not obstruct the smooth progress of the investigation/trial.

IV. The petitioner shall not misuse his liberty in any manner.

V. The petitioner shall appear before the I/O within 10 (ten) days from the date of his release and he shall continue to appear once in every 15 (fifteen) days till his appearance is dispensed with or charge-sheet is filed, whichever is earlier.

7. This application stands disposed of.

8. Case diary is returned.

**JUDGE**

**Comparing Assistant**