

GAHC010281872023



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

Case No. : AB/4195/2023

PRAMOD KR SINGH
S/O RAJ KISHOR SINGH,
KAMAKHYA TRADING, ARYA NAGAR, NEAR SHINE TOWER, DIST.
KAMRUP M ASSAM

VERSUS

UNION OF INDIA
REPRESENTED BY G.M LAW NF RAILWAY, MALIGAON, GUWAHATI

Advocate for the Petitioner : MR. S K GOSWAMI

Advocate for the Respondent : DY.S.G.I.

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

21.12.2023

Heard Mr S K Goswami, learned counsel for the petitioner, Sri Pramod Kumar Singh.

2. The petitioner has filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with RPF/Post/NGC Case No. 28/2023, under Section 3 (a) of the Railway Property (Unlawful Possession) Act.

3. Heard Mr B Sarma, learned CGC for Railways.
4. Notice has been issued against the petitioner under Section 41-A CrPC. The petitioner is apprehending arrest as the driver of the petitioner has been forwarded to custody in connection with this case.
5. The FIR unfolds that when theft of 27990 kgs of iron patti was committed, the accused was apprehended and forwarded to custody.
6. During investigation, it was unearthed that the petitioner's truck was used for committing the theft of 27990 of iron patty from the railway station at Panikhaiti.
5. It is submitted on behalf of the petitioner that Rafiqul Islam, an accused in connection with the aforementioned case had taken his truck bearing Registration No. AS-01CC3028, on rent of Rs. 22,000/- The petitioner was not privy that the iron patti was being carried by his truck. The petitioner is willing to cooperate with the investigation.
6. The learned CGC has raised objection that there are incriminating materials in the Case Diary, against the petitioner. The petitioner has also not cooperated with the investigation despite issuance of notice to the petitioner by the Investigating Agency.
7. The Case Diary reveals that the investigation has progressed to a considerable extent.
8. Custodial interrogation of the petitioner may not be required at this stage. The iron scrap materials have already been seized in connection with this case. The truck has also been seized in connection with this case.
9. In view of my foregoing discussions, petition is allowed. In the event of his arrest, the petitioner shall be enlarged on bail of Rs. 30,000/- with a suitable surety of the like amount to the satisfaction of the arresting authority under the conditions that:-
 - i) the petitioner shall appear before the IO within 10 (ten) days and

cooperate with the investigation, and

ii) the petitioner shall refrain from such activities with which he is alleged.

iii) the petitioner shall not leave the jurisdiction of the Court, without prior permission from the jurisdictional Court, till completion of trial.

On breach of any of the bail conditions, the bail order shall stand cancelled.

10. Anticipatory Bail Application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant