

GAHC010081892024



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

Case No. : Bail Appln./1201/2024

MABU ALAM @ MABU ALOM
S/O ABUL HUSSAIN
R/O VILL- NACHANGURI
P.O. GORAIMARI
P.S. MANIKPUR
DIST. BONGAIGAON, ASSAM
PIN-783390

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR G CHAMUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 26.04.2024

Heard Mr. G. Chamuah, learned counsel for the accused/petitioner.
Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the

State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Mabu Alam @ Mabu Alom**, in connection with **Bongaigaon P.S. Case No. 121/2024(corresponding to G.R. No. 205/2024)**, registered under Section **120(B)/379/411/413 IPC r/w Section 23 of Petroleum Act.**

It is submitted by the learned counsel for the petitioner that the petitioner is running a hotel situated at Goraimari under Manikpur police station and the FIR named accused No. 1 is running such illegal business of theft of oil. It is also submitted that the petitioner is no way involved in the instant case. It is further submitted that some co-accused have already granted interim protection by this Court. The petitioner was arrested only on suspicion and he has been detained in custody since 06.04.2024. Considering the period of detention as well as the nature of offence, the petitioner may be enlarged on bail.

On the other hand, Mr. Goswami, learned Additional Public Prosecutor for the State has submitted that some co-accused have already granted interim protection by this Court. Therefore, considering the nature of offence, the prayer of the petitioner may be considered.

I have considered the submissions made by the learned counsel for the parties.

It appears from the record that the FIR named accused No. 1 is running such illegal business. Under such backdrop and considering the nature of offence as well as length of detention of the petitioner, this Court

is of the view that further custodial interrogation of the accused-petitioner is not necessary for the purpose of investigation of the case.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Bongaigaon P.S. Case No. 121/2024(corresponding to G.R. No. 205/2024)**, registered under Section **120(B)/379/411/413 IPC r/w Section 23 of Petroleum Act** on furnishing bail bond of **Rs.20,000/-** with **one suitable surety** of the like amount to the satisfaction of learned CJM, Bongaigaon, Assam.

The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned CJM, Bongaigaon, Assam without prior written permission from him/her;

(b) 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 the Court or to any police officer.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant