

GAHC010118312024



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

Case No. : Bail Appln./1712/2024

DILIP DAS
S/O LATE SURJA KANTA DAS
R/O VILL- DAKHIN PAKORKONA
P.S. HAJO
DIST. KAMRUP

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

28.06.2024

1. Heard Ms. T. Som, learned counsel for the petitioner and also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Sri Dilip Das, who has been detained behind the bars since 02.06.2024 (for last 26 days) in connection with Hajo P.S. Case No. 185/2024, registered under Section 120(B)/285/379/411/427 read with Section 15/16 of Petroleum & Mineral Act, read with Section 3/4 of Explosive Substances Act, read with Section 3 /4 of PDPP Act and read with Section 7 Essential Commodities Act, 1955.

3. The gist of accusation in this case is that on 01.06.2024, one Jiban Chandra Baishya, Chief Maintenance Manager of Indian Oil Corporation (Noonmati) lodged an FIR before the Officer-In-Charge of Hajo Police Station, *inter alia*, alleging that a suspected attempt of pilferage of two oil pipelines were noticed at village Pakorkona and it was suspected that by drilling hole in the pipeline and by installing fittings in the oil pipelines, an attempt was made to pilferage the oil.

4. The learned counsel for the petitioner has submitted that the petitioner is in no way involved in the offence alleged in the FIR. However, the main accused of this case took on rent the premises of which the present petitioner is the owner and carried out the activities without the knowledge of the present petitioner.

5. On the other hand, learned Additional Public Prosecutor has produced the case diary of Hajo P.S. Case No. 185/2024 and has submitted that though some equipment used in drilling and digging were found from the premises of the above-named petitioner, however, no explosive substance was found therefrom.

6. I have considered the submissions made by the learned counsel for both the sides and have perused the materials available on record, including the

case diary of Hajo P.S. Case No. 185/2024.

7. It appears from record that the petitioner has been detained behind the bars since last 26 days and the investigation of this case has fairly progressed.

8. Considering the progress of the investigation and period of detention already undergone by the petitioner, his further custodial detention does not appear to be necessary for fair completion of the investigation of Hajo P.S. Case No. 185/2024.

9. Hence, the above-named petitioner, is hereby allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Judicial Magistrate First Class, Hajo with conditions that:-

(i) the petitioner shall co-operate in the investigation; and

(ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court.

10. With the above observations, this bail application is hereby disposed of.

11. Send back the case diary.

JUDGE

Comparing Assistant