

GAHC010202152024



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

Case No. : AB/2632/2024

MOHIDUL ISLAM @ ALI
S/O SHAHJAHAN ALI
R/O VILL- KHOPANI KUCHI,
P.O. KHOPANI KUCHI
P.S. HAJO
DIST. KAMRUP, ASSAM

VERSUS

THE UNION OF INDIA
REPRESENTED BY THE STANDING COUNSEL, NF RAILWAY.

Advocate for the Petitioner : MR S ISLAM, MR. R ISLAM

Advocate for the Respondent : DY.S.G.I., MR. K K PARASAR

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

23-10-2024

Heard Mr. S. Islam, learned counsel for the petitioner and Mr. K. K. Parasar, learned Central Government Counsel for the respondent NF Railways.

2) By this application filed under Section 482 of the BNSS, 2023 the petitioner, namely, **Mohidul Islam @ Ali**, son of Shahjahan Ali, resident of

village – Khopani Kuchi under Hajo Police Station of District Kamrup is seeking pre-arrest bail in **RPF/POST/KYQ's Case No. 16/2024** registered under Section 3(a) of the Railway Properties (Unlawful Possession) Act, 1966.

3) Perused the case diary produced before the Court today by Mr. K. K. Parasar, learned Central Government Counsel appearing for the NF Railways.

4) From the case diary it is seen that the arrested accused persons in said RPF/POST/KYQ's Case No. 16/2024 implicated the present petitioner in another incident related to breaking away the copper pipes of the outdoor units of Railway AC installed in the back side of the Railway building of XEN/Maligaon, some of which were stolen and sold by the petitioner, not related to the case of RPF/POST/KYQ's Case No. 16/2024.

5) The RPF/POST/KYQ's Case No. 16/2024 registered under Section 3(a) of the Railway Properties (Unlawful Possession) Act, 1966 is related to cutting and stealing of 15 meters of cooper cable used for signaling purpose of the Railways at KM 173/6-7 in between Azara and Kamakhya Railway Stations in the North Direction of the Railway Track.

6) Case diary also does not reflect any materials against the petitioner pertaining to his involvement in stealing of such copper cable used for signaling purpose of the Railways involved in said RPF/POST/KYQ's Case No. 16/2024.

7) Considering the above, it is provided that in the event of arrest the petitioner, namely, **Mohidul Islam @ Ali**, in said **RPF/POST/KYQ's Case No. 16/2024**, he shall be released on bail on furnishing a bail bond of Rs.50,000/- with two local sureties of the like amount, one of which shall be a Government employee (either State or Central Government) to the satisfaction of the arresting authority on conditions that the petitioner – **(i)** shall appear before the

Investigating Officer of said RPF/POST/KYQ's Case No. 16/2024 **on or before 30.10.2024** during the office hours and thereafter, as and when he is required for necessary investigation of said RPF/POST/KYQ's Case No. 16/2024; **(ii)** shall not leave the territorial jurisdiction of the R.P.F. Post, Kamakhya, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** shall not hamper with the investigation, or tamper with the evidence of the case; **(iv)** 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 them from disclosing such facts to the Court or to any police officer and **(v)** he shall not involve himself in any criminal activities.

8) Any violation of the aforesaid terms and conditions by the petitioner, named above, the pre-arrest bail granted to him in the aforementioned RPF/POST/KYQ's Case No. 16/2024 shall stand automatically vacated.

9) This pre arrest bail application accordingly stands disposed of.

10) Return the case diary.

JUDGE

Comparing Assistant