

GAHC010033482024



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

Case No. : AB/409/2024

ANUP SONOWAL AND ANR.
S/O SRI SONESWAR SONOWAL
R/O NAGAJAN GAON
P.S. DULIAJAN
DIST. DIBRUGARH, ASSAM

2: SRI PRATAP SONOWAL
S/O SRI SONESWAR SONOWAL
R/O NAGAJAN GAON
P.S. DULIAJAN
DIST. DIBRUGARH
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR D SAIKIA, MD IMRAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

04-11-2024

Heard Mr. D. Saikia, learned counsel for the petitioners and Mr. K. K. Parasar, learned Additional Public Prosecutor, Assam for the State.

2. Apprehending their arrest, the petitioners, namely, **(1) Sri Anup Sonowal** and **(2) Sri Pratap Sonowal**, sons of Sri Soneswar Sonowal, both are resident of Nagajan Gaon under Duliajan Police Station of Dibrugarh District have filed this application under Section 438 CrPC seeking pre-arrest bail in **Duliajan P.S. Case No. 08/2024** corresponding to G.R No. 44/2024 registered under Section 379 IPC, read with Section 3 of the Prevention of Damage of Public Property Act, 1984, read with Section 15(2) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Amendment Act, 2011.

3. The Court by order dated 21.02.2024 granted interim bail to the petitioners, named above, in said Duliajan P.S. Case No. 08/2024, pursuant to which, both the petitioners appeared before the concerned Investigating Officer of said Duliajan P.S. Case No. 08/2024 on 02.03.2024 and their statements have been recorded by the concerned Investigating Officer of the case.

4. As per the FIR of the case dated 12.01.2024 that on 09.01.2024 in the morning hours, the authorities of OIL India Limited received an information regarding crude oil pilferage from Nagajan Area and the said information was shared with Bhadoi Police In-Charge. Accordingly, a joint team was formed along with OIL Security Team and on visiting the suspected place at Nagajan area near the Crude Oil delivery pipeline of OIL and after searching the said area, the said team could detect tapping point at Nagajan Sabitri Seuri pipeline. Crude oil spillage was observed near the said area and during a deep search that was conducted by the joint team it was found that the miscreants set fire in the hose pipeline of OIL that was used for pilferage of crude oil and that the miscreants after damaging the pipeline opened it by drilling the pipeline and installed one tapping point they pilferage crude oil resulting loss of

production and also partially damaged the pipeline. After making some search the joint team could learn that the accused persons including the petitioners are involved in illegal tapping, collecting and marketing of crude oil. As such, Duliajan P.S. Case No. 08/2024 corresponding to G.R No. 44/2024 under Section 379 IPC, read with Section 3 of the Prevention of Damage of Public Property Act, 1984, read with Section 15(2) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Amendment Act, 2011 was registered against the petitioners and others.

5. Case diary placed before the Court today by Mr. K. K. Parasar, learned Addl. PP, reveals that the petitioners are involved in the business of crude oil, condensate oil etc. The case diary placed before the Court is upto 28.10.2024.

6. Considering the materials in the case diary, the Court is of the view that custodial detention of the petitioners are not warranted for further investigation of said Duliajan P.S. Case No. 08/2024. Accordingly, this pre-arrest bail application of the petitioners is accepted.

7. Accordingly, the interim pre-arrest bail granted to the petitioners on 21.02.2024 in said **Duliajan P.S. Case No. 08/2024** corresponding to G.R No. 44/2024 registered under Section 379 IPC, read with Section 3 of the Prevention of Damage of Public Property Act, 1984, read with Section 15(2) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Amendment Act, 2011, is hereby made absolute, subject to the compliance of the terms and conditions as specified in the order dated 21.02.2024 and on compliance of the following conditions that the petitioners – **(i)** shall appear before the concerned Investigating Officer of said Duliajan P.S. Case No. 08/2024 on every Monday during the office hours for the next 3 (three) English Calendar Months, commencing from 11.11.2024 or till the date of filing of the Charge-Sheet in said Duliajan P.S. Case No. 08/2024, whichever is earlier; **(ii)** shall not leave the jurisdiction of Duliajan Police Station without obtaining prior written permission from the concerned Investigating Officer of the Case and **(iii)** shall not indulge themselves in any criminal activities including the theft of crude oil or condensate oil.

8) Any violation of the aforesaid terms and conditions as well as the terms and conditions as specified in the order dated 21.02.2024, noted above, by the petitioners, named above, the pre-arrest bail granted to them in the aforementioned Duliajan P.S. Case No. 08/2024

shall stand automatically vacated.

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

10) Return the case diary herewith.

JUDGE

Comparing Assistant