

**Crl. Misc. (B) Case No. 37/2022**

**11-02-2022**

The case is fixed today for necessary order.

This bail application has been filed under Section 439 Cr.P.C. for granting bail to the accused Sri Khirud Chutia in connection with Duliajan P.S. Case No. 36/2022, under Section 379 of IPC.

The allegation in the FIR dated 29-01-2022 of one Sri A.K. Maurya, A-Shift I/C, Industrial Sector, CISF Unit, OIL, Duliajan, is that the accused persons, namely Sri Jibon Phukan, Sri Debakanta Baruah, Sri Ratneswar Gogoi and Sri Khirud Chutia, were caught by CISF personnel when they were cutting copper cables at Cable Yard area, STF Madhuban. On searching the entire area, 4(four) pieces of copper cables, weighing about 4 Kg, were recovered along with 1(one) hacksaw blade with frame.

It is submitted on behalf of the accused Sri Khirud Chutia that he is an employee of OIL, Duliajan under Private Contractor having no criminal record earlier. It is further submitted that as stolen property has already been recovered by the investigating agency, there is no need for further custodial detention of the accused. It is further submitted that the accused is the sole bread-earner of his family having his old aged father.

A perusal of the case diary shows that the above-named four accused persons were apprehended, but the accused

contd.

Sessions Judge  
Duliajan

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persons Sri Jiban Phukan and Sri Ratneswar Gogoi were released by the Police upon not finding them involved in the occurrence. During the investigation, the I/O has examined as many as four number of witnesses (all CISF personnel) who have stated about apprehending the accused persons Sri Debakanta Baruah and Sri Khirud Chutia while the accused persons were cutting copper cable. But it is seen from the case diary that no further investigation has been done in the case after 30-01-2021 which happens to be the date on which the accused persons Sri Debakanta Baruah and Sri Khirud Chutia were forwarded to the learned Court. From the investigation done so far, it appears that the investigation has substantially progressed. The alleged stolen articles have already been recovered and seized. None else is there to be apprehended in connection with the case. Therefore, further custodial detention of the accused Sri Khirud Chutia, who has been in judicial custody since 30-01-2022, is not felt necessary.

Considering the nature of the alleged offence and the substantial progress of investigation, the accused Sri Khirud Chutia is allowed to go on bail in connection with Duliajan P.S. Case No. 36/2022 on furnishing bail-bond for a sum of ₹ 10,000/- (Rupees Ten Thousand) with a suitable surety of the like amount, but on the following conditions:-

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Addl. District & Sessions Judge  
Dibrugarh

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- (1) the accused shall mark his presence before the Duliajan Police Station as and when required by the I/O and shall fully cooperate in the remaining investigation of the case;
- (2) the accused 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/her from disclosing such facts to the Court or to any police officer; and
- (3) the accused shall not commit any offence similar to the offence of the present case and he shall not indulge in any criminal activity.

Send back the case diary along with a copy of this Order.

Furnish a true copy of this Order to the learned Advocate for the accused.

This Crl. Misc. (B) case is accordingly disposed of.

  
Addl. Sessions Judge  
Dibrugarh

*Handwritten notes:*  
C.M. DM  
31/4/22  
11/2/22  
Copy of order  
31/5/22  
11/2/22  
all to  
Dibru