

GAHC010274442025



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

Case No. : AB/2950/2025

ALI AKBAR ALIAS GHUTU AND ANR
S/O MD KUDDUSH ALI, R/O VILL NILIBARI, PS KAJALGAON, DIST
CHIRANG, ASSAM

2: HUSSAIN ALI
S/O MD KUDDUSH ALI
R/O VILL NILIBARI
PS KAJALGAON
DIST CHIRANG
ASSA

VERSUS

UNION OF INDIA
REPRESENTED BY THE RAILWAY DEPARTMENT, NF RAILWAY, TO BE
REPRESENTED BY THE LEARNED CENTRAL GOVERNMENT STANDING
COUNSEL

Advocate for the Petitioner : MR SARFRAZ NAWAZ, MD A RAHMAN, A MISHRA, SAMIM
RAHMAN, MR. SURAJIT DAS, MR A W AMAN

Advocate for the Respondent : SC, NF RLY,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

16-12-2025

Heard Mr. S. Nawaz, learned counsel for the petitioners and Mr. K. K. Parashar, learned CGC appearing for the NF Railway.

2. This is an application under Section 482 BNSS, 2023 praying for grant of pre-arrest bail to the accused/petitioners, namely, **(i) Ali Akbar @ Ghutu** and **(ii) Hussain Ali** who are apprehending their arrest in connection with **RPF/POST/NBQ Case No. 04/2025** under Section 3(a) of the Railway Property (Unlawful Possession) Act, 1966.

3. It is submitted by Mr. Nawaz, learned counsel for the petitioner and prior to lodging of the present complaint, one FIR was also lodged by Kajalgaon Police, which was accordingly registered As Kajalgaon P.S. Case No.73/2025 under Sections 303(2)/317(2)/317(4) of BNS, 2023 read with Section 23 of the Petroleum Act and read with Section 7/8 of the Essential Commodities Act.

4. He further submitted that in both these FIRs the cause of action and the date of incident is same and for the same incident both these FIRs has been lodged initially by Kajalgaon Police and subsequently by RPF. But in the earlier case, i.e., Kajalgaon P.S. Case No. 73/2025, both the petitioners had received notice from police and accordingly they appeared and they were interrogated in the said P.S. Case. But subsequently, after six months of registering the case, one notice has been received by these two petitioners from RPF directing them to appear before the authority.

5. Both the petitioners are however ready and willing to extend their

cooperation in the further investigation of the case, but as two of the co-accused of the case has already been arrested in connection with this case and hence, there is an apprehension of arrest of the present petitioners and therefore, the present petition has been filed, seeking pre-arrest bail. He further submitted that other two co-accused persons have already been granted anticipatory bail by this Court.

6. Mr. Parashar, learned CGC submitted in this regard that as per the allegation, the petitioners stole the railway properties i.e., petroleum product and accordingly a complaint was lodged. However, he submitted that it is a fact that the present petitioners have already cooperated with the investigation in the other case. However, Mr. Parashar also insisted to call for the case diary.

7. Considering the submissions made by the learned counsel for both sides, I find it a fit case to extend the privilege of interim pre-arrest bail to the accused petitioners, till receipt of the case diary.

8. Accordingly, it is provided that in the event of arrest of the petitioners, namely, **(i) Ali Akbar @ Ghutu** and **(ii) Hussain Ali** in connection with **RPF/POST/NBQ Case No. 04/2025** under Section 3(a) of the Railway Property (Unlawful Possession) Act, 1966, they shall be enlarged on interim pre-arrest bail on their executing a bail bond of Rs.20,000/- (Rupees Twenty Thousand) each, only with one surety each of the like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the petitioners shall appear before the Investigating Officer of the case within a period of 1(one) week from today to enable recording of their statements;
- (ii) that the petitioners shall fully co-operate with the

investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. Case and

- (iii) that the petitioners 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.

- 9. List the matter, accordingly, on **22.01.2026** for production of the report.

JUDGE

Comparing Assistant