

25.02.2022
Court No.32
Item No.13
Avijit Mitra

C.R.M. (DB) No.99 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Bagnan Police Station case no.285 of 2021 dated 09.06.2021 under Sections 379/427/511 of the Indian Penal Code and Sections 15/16 of the Petroleum and Minerals Pipelines (Acquisition of Right of User Inland) Act, 1962 and sections 3/4 of Damage to Public Property Act, 1984 and Sections 3/4 of Explosive Substances Act, 1908;

And

In Re : Ram Narayan Yadav alias Narayan alias Munna

.... petitioner

Mr. Angshuman Chakraborty

...for the petitioner

Mr. Swapan Banerjee,

Ms. Purnima Ghosh

....for the State

Mr. Chakraborty, learned lawyer appearing for the petitioner submitted that the present petitioner is arrested only on the basis of a confessional statement of one of the co-accused. No other incriminatory material is there against the present petitioner. In fact the present petitioner is falsely implicated. He is in custody since 21.09.2021. As chargesheet has been filed, investigation is complete. Therefore, according to him, no custodial detention is necessary. Therefore, he prayed for bail on any stringent condition.

Per contra, Mr. Banerjee, learned lawyer appearing for the State strongly opposed the bail on a ground that the present petitioner is a resident of Gorakhpur, Uttar Pradesh. If he is released on bail there is every possibility that he will abscond and flee from justice. He further submits that the case diary contains strong incriminating elements against the present petitioner. However, he admits that no

Test Identification Parade was conducted to identify the present petitioner.

We have heard the rival submissions and perused the case diary. We notice that the offence is very serious in nature and any mishap could have led to a big catastrophe affecting life, safety and security of the local people. The present petitioner, as appears from the case diary, was involved in the offence, as alleged, although named by the co-accused. Since the present petitioner is not a local people and hails from Uttar Pradesh, we cannot rule out the possibility of his absconding. Considering the nature of offence, its gravity and chance to flee, we are not inclined to allow the instant application for bail at this stage.

Accordingly, the application for bail, being CRM (DB) No.99 of 2022, is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)