

02.05.2022

Serial no. 49

[Dd]

(Bail **allowed**)

CRM (DB) 1155 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Bagnan** Police Station Case No. **295** of **2021** dated **15.06.2021** under Sections **379/427** of the IPC, adding **411** of the IPC and **15 & 16** of P&MP Act, 1962, **3/ 4** Explosive Substance Act 1908 & **3/ 4** P.D.P.P Act, 1984, subsequently Charge Sheeted under Sections **379. 427/411/120B** IPC & **15/ 16** of Petroleum and Minerals Pipeline (Acquisition of Right of User Inland) Act, 1962 & **3/ 4** PDPP Act, 1984 & **3/ 4** E.S. Act, 1908, corresponding to G.R. Case No. **1366** of **2021**.

-And-

In the matter of : Sk. Sabir Hossain

... .. Petitioner

*Md. Sarwar Jahan,
Mr. Maidul Islam Kayal, Advocates
... .. For the Petitioner*

*Mr. Sudip Ghosh,
Mr. Shekhar Barman, Advocates
... ..For the State*

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody since June 26, 2021. The police filed charge sheet and, therefore, further detention of the petitioner is not required. He submits that in respect of the alleged incident of theft of petroleum alleged to be occurring on June 15, 2021, the petitioner was arrested on June 26, 2021. The petitioner does not stand on the same footing as the other co-accused whose prayer for bail was rejected by the co-ordinate Bench.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Considering the period of detention of the petitioner and considering the charges levelled as against the petitioner and considering the fact that police filed charge sheet, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the **Learned Additional Chief Judicial Magistrate, Uluberia, Howrah** subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail of the petitioner is **allowed**.

CRM (DB) 1155 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)