

09.06.2022  
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allowed

**CRM(DB) 1360 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 Indian Penal Code read with Sections 15/16 of the Petroleum and Mineral Pipe Line (Acquisition of Right of user in Land Act), 1962 and Sections 3/4 of P.D.P.P. Act and Sections 3/4 of Explosive Substances Act, 1908.

And

In Re : Ranjan Kr. Bakuli @ Bhola ..... petitioner

Ms. Devi Priya Mitra

.....for the petitioner

Mr. Prasun Kumar Dutta, learned APP

Mr. Subrato Roy

..... for the State

Mr. Sandipan Ganguly, Sr. Adv.

.... for the de facto complainant

Petitioner is in custody for 345 days.

It is submitted by the learned Counsel appearing for the petitioner that he has been falsely implicated in the instant case. It is further submitted one Sk. Sabir Hossain has been enlarged on bail by a co-ordinate Bench of this Court.

Learned Counsel appearing for the State opposes the prayer for bail and submits that stolen property i.e. petroleum oil was recovered on the leading statement of the petitioner.

Learned senior Counsel appearing for the de facto complainant submits prayer for bail of the co-accused, Ajoy Singh was rejected by this Court.

We have considered the materials on record. Stolen articles have already been recovered. Prayer for bail of Ajoy Singh was rejected while he was in detention for 120 days. Petitioner is in detention for more than a year and co-accused Sk. Sabir Hossain, similarly circumstanced with the petitioner, has been released on bail by a co-ordinate Bench of this Court.

Keeping in mind the aforesaid facts and as further detention of the petitioner for the purpose of investigation is not necessary, we are inclined in granting bail to him.

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 the 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 application for bail is, accordingly, allowed.

**(Ananya Bandyopadhyay, J.)**

**(Joymalya Bagchi, J.)**