

26.07.2022
cm/ct 28
sl no. 12

C.R.M. (DB) No. 1658 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Dubrajpur P.S Case No. 51 of 2022** dated **26.03.2022** under Sections **379/511** of the Indian Penal Code read with Sections 15(2)/15(4)/16 of the Petroleum and Minerals Pipeline Act, 1962 and Sections 3 /4 of the Explosive Substances Act and 3 /4 of the Prevention of Damage to Public Properties Act, 1984.(G.R. case No. 110 of 2022).

And

Allowed

In Re : Sekh Taj Uddian.

..... petitioner

Mr. Subhabrata Chowdhury
Ms. Tripti Pandey
Mr. Biswajit Goswami

..... for the petitioner

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Anirban Dutta
Mrs. Sharmistha Ghosh

.... for the De-facto complainant.

Mr. Rudradipta Nandy, Ld. A.P.P.
Mrs. Sonali Das

..... for the State

Petitioner is in custody for 114 days. It is contended he had cooperated with investigation. Charge has been framed and there is little possibility of trial concluding in near future.

Learned lawyer for the State opposes the prayer for bail. He submits petitioner is member of a gang which pilfered crude petroleum products from the pipeline of IOCL. There is possibility of commission of similar offence in future.

Learned lawyers appearing for the de-facto complainant submits there are ample materials against the petitioner.

We have considered the materials on record. Petitioner is in custody for about four months. Charge has been framed and further detention of the petitioner for the purpose of investigation does not arise.

Keeping in mind the nature of the offence and the evidence proposed to be adduced, there is little possibility of the trial concluding in near future.

With regard to the submission that petitioner may commit further offences in future, we are of the opinion balancing the nature of accusation with the period of detention already suffered by the petitioner, we are of the view further custodial detention may not be necessary but his movements require to be restricted to prevent commission in similar offence in future.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.20,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Suri, Birbhum on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and while on bail he shall remain within the jurisdiction of Dhubrajpur police station except for the purpose of attending court proceedings or for medical emergencies.

In the event petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM(DB) No. 1658 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)