

CRM (DB) 1968 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 379/411/414/427/120B 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 : Ram Narayan Yadav @ Narayan @ Munna..... petitioner

Ms. Devi Priya Mitra

.....for the petitioner

Mr. Binay Panda

Ms. Puspita Saha

..... for the State

Mr. Anirban Dutta

Ms. Sharmistha Ghosh

Mr. Amit Ghosh

Mr. Victor Chatterjee

..... for de facto complainant

Petitioner is in custody for 282 days.

Learned Counsel appearing for the petitioner submits that co-accuseds viz. Sk. Sabir Hossain and Ranjan Kr. Bakuli @ Bhola are on bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner has criminal antecedent.

Learned Counsel appearing for the de facto complainant submits that bail prayer of co-accuseds was rejected by this Court.

We have considered the material on record. No petroleum product was seized from the petitioner. He is on the

same footing with co-accuseds viz. Sk. Sabir Hossain and Ranjan Kr. Bakuli @ Bhola whose bail prayers were allowed. Petroleum product was recovered from the custody of the other co-accuseds whose bail prayers were rejected as their degree in complicity is higher than the petitioner and others were on bail.

In view of the extent of complicity and the period of detention suffered by the petitioner, we are inclined to grant 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 Chief Judicial Magistrate, Howrah, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)