

13.07.2022
SI. No.27
akd
[ALLOWED]

C. R. M. (DB) 2263 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.07.2022 in connection with Bagnan Police Station FIR 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, Sections 3/4 of the PDPP Act and Sections 3/4 of the Explosive Substances Act. (G.R. Case No.1366 of 2021)

And

In Re: ***Suman @ Kuchu Banerjee & Anr.***

... .. Petitioners

Ms. Devi Priya Mitra

... .. for the petitioners

Mr. Anirban Dutta
Mr. Victor Chatterjee
Mr. S. Bhattacharyya
Mr. Amit Ghosh

... .. for the de-facto complainant

Mr. Swapan Banerjee
Mrs. Purnima Ghosh

... .. for the State

It is submitted on behalf of the petitioners they are in custody for more than a year. It is further submitted co-accuseds have been enlarged on bail.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioners were involved in the racket of pilfering high speed petroleum oil. They have criminal antecedents and recoveries have been made from their possession. Prayer for bail of another accused was turned down by a coordinate Bench of this court.

Learned advocate appearing for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Although there are allegations against the petitioners and joint recoveries were made, we note petitioners have suffered detention for a protracted period of

time and charge has not yet been framed. Balancing the gravity of the offence with the period of detention and the fact that trial has not commenced as yet, we are of the opinion further detention of the accused/petitioners is not necessary.

Therefore, the accused/petitioners, namely **(1) Suman @ Kuchu Banerjee & (2) Kusum Pradhan**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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 said petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)