

14.09.2022
Sl. No.7
akd
[ALLOWED]

C. R. M. (DB) 2922 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.08.2022 in connection with Debra Police Station Case No. 205 of 2022 dated 28.04.2022 under Sections 379/411/413/414 of the Indian Penal Code, Section 33 of the Indian Forest Act read with Rule 14 of the West Bengal Forest (Establishment and Regulation of Saw Mills and other Wood Based Industries) Rules, 1982 read with Section 3 of the Prevention of Damage to Public Property Act. (G.R. Case No.1298 of 2022)

And

In Re: ***Hasiful Shah @ Hasibul Shah***

... .. Petitioner

Sk. Samim Akhtar

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Sonali Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 95 days. It is further submitted petitioner is a bonafide purchaser of trees sold through an open auction by the Panchayat authorities. Investigation is complete.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner in collusion with Panchayat officials had illegally procured eucalyptus trees and caused wrongful gain to himself and wrongful loss to the State. Further investigation is in progress.

We have considered the materials on record. It is contended petitioner had purchased eucalyptus trees from the Panchayat authorities for valuable consideration. Balancing the nature of accusation, extent of complicity of the petitioner in the alleged crime with the period of detention suffered by him and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Hasiful Shah @ Hasibul Shah**, 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, Paschim Medinipur subject to condition that the said petitioner 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 he 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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)