

18.11.2022.
07.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3311 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bagnan P.S. Case No.285 of 2021 dated 09.06.2021 under Sections 379/511/427 of the Indian Penal Code and under Sections 15/16 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 and Sections 3/4 of the Explosive Substances Act and Sections 3/4 of Prevention of Damage to Public Property Act.

In the matter of : Ram Narayan Yadav @ Narayan @ Munna.
... Petitioner.

Mr. Sekhar Kumar Basu, ld. Sr. Adv.,
Mr. Soubhik Mitter,
Ms. Debapriya Mitra,
Ms. Rajnandini Das,
Mr. Karan Bapuli. ...for the Petitioner.

Mr. Swapan Banerjee,ld. Sr. Adv.,
Ms. Purnima Ghosh. ...for the State.

Mr. Sandipan Ganguly, ld. Sr. Adv.,
Mrs. S. Ghosh,
Mr. A. Dutta,
Mr. V. Chatterjee,
Mr. S. Bhattacharya.
...for the de-facto complainant.

Pursuant to our earlier direction, Investigating Officer is personally present before this Court. His presence is noted and dispensed with.

Petitioner is in custody for over 424 days. He submits there is slow progress in the matter. Case has not been committed to the Court of Sessions as yet.

Pursuant to our direction, learned Senior Government Advocate submits report with regard to involvement of the petitioner in similar crimes.

From the report it appears 16 criminal cases are pending against the petitioner in the State of West Bengal and Jharkhand. Though in the other cases, petitioner is on bail, the nature of accusation in all the cases are similar. This gives an impression that the petitioner is a part of an organised crime racket. Allegations relate to pilferage of crude oil by breaching the Indian Oil Corporation's supply lines. Offences are grave and attract imprisonment for life or death. Delay in the matter is due to abscondence of the co-accused against whom proclamation has been issued and prayer for attachment has been made.

In view of the aforesaid circumstances, keeping in mind gravity of the offence and profile of the offender who is involved in a number of similar cases, we are not inclined to grant bail to him at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

We direct the trial court to exhaust all processes against the absconding accused to ensure his attendance at the earliest. In the event, his attendance cannot be procured in spite of all efforts, to declare him as a proclaimed offender and commit the case to the Court of Sessions within three months from the next date fixed before it.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)

