

21.04.2023.
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Ct.No.28
as
(Allowed)

C.R.M. (DB) 1615 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bagnan P. S. Case No.430 of 2020 dated 12.12.2020 under Sections 379/411/427 of the Indian Penal Code read with Sections 15/16 of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 and under Sections 3/4 of the Explosive Substances Act and under Sections 3/4 of the Prevention of Damage to Public Property Act and charge sheet submitted under Sections 379/411/414/427/120B of the Indian Penal Code read with Sections 15/16 of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 and under Sections 3/4 of the Explosive Substances Act and under Sections 3/4 of the Prevention of Damage to Public Property Act.

In the matter of : Sk. Abdul Ramiz @ Sk. Abdul
Ramij @ Gullu.

.... Petitioner.

Mr. Ayan Basu,
Mr. Sourav Bera,
Mr. Sumit Routh.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty.

...for the State.

Ms. Sharmistha Ghosh,
Mr. Anirban Dutta,
Mr. Swarbhanu Bhattacharyya,
Mr. Victor Chatterjee.

...for the de-facto complainant.

Petitioner is in custody for over 600 days He submits prosecution proposes to examine 27 witnesses. There is no possibility of trial concluding in the near future. Co-accused viz., Ajay Singh is on bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner purchased illegally extracted crude oil from co-accused who are involved in pilfering oil.

Learned Advocate for the de-facto complainant also opposes the bail prayer. He submits petitioner has criminal antecedents.

In rebuttal, it is contended petitioner is on bail in some of the other cases.

We have considered the materials on record. It is alleged petitioner had purchased crude oil from co-accused who pilfered oil by drilling into pipes of the complainant company. Allegations are grave. But there is little possibility of trial concluding in the near future. Co-accused viz., Ajay Singh has been enlarged on bail.

Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail subject to strict terms.

Accordingly, the petitioner viz., Sk. Abdul Ramiz @ Sk. Abdul Ramij @ Gullu shall be released on bail upon furnishing a bond of Rs.50,000/- 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 he 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Rabindranagar Police Station except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Rabindranagar Police Station once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)