

08.05.2023
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allowed

CRM(DB) No. 1830 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bagnan Police Station Case No. 11 of 2021 dated 09.01.2021 under Sections 379/427 of the Indian Penal Code read with Sections 15/16 of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act 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 subsequently 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 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

In Re : Sk. Abdul Ramiz @ Sk. Abdul Ramij @ Gullu... petitioner

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

....for the petitioner

Mr. Rudradipta Nandy, learned APP
Mrs. Sonali Das

.... for the State

Mr. Anirban Dutta
Ms. Sharmistha Ghosh
Mr. Swarbhanu Bhattacharya
Mr. Victor Chatterjee

..... for the defacto complainant

Learned Counsel for the petitioner submits he is in custody for 656 days. It is also submitted there is no possibility of trial concluding in the near future. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

Learned Counsel for the defacto complainant also opposes the prayer for bail and submits petitioner had received crude oil which was pilfered.

We have considered the materials on record. Petitioner is in custody for a considerable period of time. There is little possibility of concluding trial in the near future. Keeping in mind the aforesaid aspects and the protracted period of detention suffered by him, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 conditions that 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 in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

Trial court is directed to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)