

06.07.2023.
46.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2687 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.11 of 2021 dated 09.01.2021 under Sections 379/427 of the Indian Penal Code and Sections 15 and 16 of P. & M. P. Act, 1962 and Section 3 / 4 Explosive Substance Act and Section 3 / 4 of P.D.P.P. Act and subsequently charge sheet submitted under Sections 379/411/414/427/120B of the Indian Penal Code and Sections 15/16 of Petroleum and Minerals Pipeline (Acquisition of Right of User Inland) Act, 1962 and Sections 3 / 4 PDPP Act and Sections 3 / 4 E. S. Act.

In the matter of : Sk. Sabir Hossain @ Sabir Hussain @ Kalo.
.... Petitioner.

Md. Sabir Ahmed,
Mr. Abdul Aziz Mondal,
Mr. Maidul Islam,
Mr. Sumit Naskar,
Ms. Suman Biswas,
Mr. Dhiman Banerjee.

...for the Petitioner.

Mr. Rudradipta Nandy, Id. A.P.P.,
Mr. Bitasok Banerjee,
Mr. Subrato Roy.

...for the State.

Mr. Anirban Dutta,
Ms. Sharmistha Ghosh,
Mr. Victor Chatterjee,
Mr. Tirthankar Nandi.

....for the de-facto complainant.

Petitioner is in custody for 908 days. Co-accused has been enlarged on bail. There is little possibility of trial concluding in the near future. He renews his bail prayer.

Learned Advocate for the State opposes the bail prayer. He submits petitioner is a member of an organized gang who had pilfered crude oil.

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

We have considered the materials on record. Allegations against the petitioner are grave but he is suffering detention for a protracted period of time and there is no possibility of trial concluding in the near future. Under similar circumstances, co-accused has been enlarged on bail. Hence, we are inclined to same privilege to the petitioner also.

Accordingly, the petitioner viz., Sk. Sabir Hossain @ Sabir Hussain @ Kalo 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 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.

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.)

