

13.07.2023.
20.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2779 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.261 of 2021 dated 18.05.2021 under Sections 379/511/427 of the Indian Penal Code and Sections 15/16 of the P. & MP Act and Sections 3/4 of Explosive Substance Act and Sections 3/4 of P. D. P. P. Act.

In the matter of : Suman @ Kuchu Banerjee.

.... Petitioner.

Mr. Victor Chatterjee,
Ms. Sharmistha Ghosh,
Mr. Amit Ghosh.

...for the Petitioner.

Mr. Sudip Ghosh, ld. Sr. Govt. Adv.,
Mr. Koushik Kundu.

...for the State.

Petitioner is in custody for two years. There is delay in trial. Co-accused has been granted bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner is a member of an organized gang which pilfered high speed oil from the IOC pipeline. Extraction valves were recovered from his possession.

We have considered the materials on record. Though allegations are grave and materials have been collected are against the petitioner, it may be noted he is in custody for more than two years. There is no possibility of trial concluding in the near future. Offences, even if proved, would not attract mandatory life imprisonment.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Suman @ Kuchu Banerjee 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.)