

14.07.2023
Sl. No.32
akd
[ALLOWED]

C. R. M. (DB) 2795 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.07.2023 in connection with Bagnan Police Station FIR Case No.11 of 2021 dated 09.01.2021 under Sections 15/16 of the Petroleum and Mineral Pipe Line (Acquisition of Right of user in Land) Act, 1962 and Sections 3/4 of the PDPP Act and Sections 3/4 of the Explosive Substances Act.

And

In Re: ***Kusum Prodhan***

... .. Petitioner

Ms. Sharmistha Ghosh
Mr. Amit Ghosh

... .. for the petitioner

Ms. Faria Hossain
Mr. Anand Kesari

... .. for the State

It is submitted on behalf of the petitioner that co-accused has been enlarged on bail. There is little possibility of the trial concluding in the near future. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Co-accused has been enlarged on bail. There is no possibility of the trial concluding in the near future. Offences, if proved, would not attract the mandatory life imprisonment. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Kusum Prodhan***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 the said petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)