

17.07.2023
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allowed

CRM(DB) No. 2811 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. 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 PDPP Act.

And

In Re : Ranjan Kumar Bakuli @ Bhola petitioner

Ms. Devi Priya Mitra

....for the petitioner

Mr. Sudip Ghosh

Mr. Koushik Kundu

.... for the State

Mr. Anirban Dutta

Ms. Sharmistha Ghosh

Mr. Amit Ghosh

Mr. Victor Chatterjee

.... for the de facto complainant

Learned Counsel for the petitioner submits he is in custody for about two years. Co-accused is on bail. He prays for bail.

Learned Counsel for the State opposes the bail prayer and submits extraction valve was recovered from the petitioner.

Learned Counsel for the de facto complainant opposes the bail prayer and contends trial is in progress.

We have considered the materials on record. Allegations involve organised crime activity but the petitioner is in custody for about two years. There is little possibility of trial concluding in near future. Offences, even if proved, would not attract mandatory life imprisonment. Under such circumstance, 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)