

18.07.2023.
23.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2832 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.285 of 2021 dated 09.06.2021 under Sections 379/511/427 of the Indian Penal Code and adding Sections 376(3) 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 charge sheet submitted under Sections 379/511/427 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

In the matter of : Sk. Abdul Ramiz @ Sk. Abdul
Ramij @ Gullu.

.... Petitioner.

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

...for the Petitioner.

Mr. Nguive Ahmed, Id. A.P.P.,
Mr. Iqbal Kabir.

...for the State.

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

...for the De-facto complainant.

Petitioner is in custody for more than two years. Co-accused has been enlarged on bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits trial is in progress.

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

We have considered the materials on record. Allegations involve the activity of an organised crime gang. However,

petitioner has suffered detention for more than two years and there is little possibility of trial concluding in the near future. Offences, even if proved, would not attract mandatory life imprisonment. Co-accused has been enlarged on bail.

Under such circumstances, we are inclined to extend the same privilege to the petitioner also.

Accordingly, the petitioner viz., Sk. Abdul Ramiz @ Sk. Abdul Ramij @ Gullu 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, Hooghly 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 and on further condition that the petitioner while on bail shall remain within the District of Howrah and report to the Officer-in-charge, Bagnan Police Station once in a week until further orders.

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.)

