

19.07.2023.
26.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2860 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 15/16 of the M. P. Act and Sections 3/4 of Explosive Substance Act and Sections 3/4 of the Prevention of Damages of Public Property Act and charge sheet submitted under Sections 379/411/414/427/120B of the Indian Penal Code and Sections 15/16 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act and Sections 3/4 of Prevention of Damages of Public Property Act.

In the matter of : Ajay Singh.

.... Petitioner.

Mr. Kallol Mondal,
Mr. Subhasis Bandopadhyay.

...for the Petitioner.

Mr. Sudip Ghosh, Sr. Govt. Adv.,
Mr. Kaushik Kundu.

...for the State.

Ms. Sharmistha Ghosh,
Mr. Amit Ghosh.

....for the de-facto complainant.

Petitioner is in custody for more than two years. There is delay in trial. Co-accused have been enlarged on bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

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

We have considered the materials on record. Although the offence involves organised crime activity, petitioner is in custody for more than two years. There is little 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 extend the same privilege to the petitioner also.

Accordingly, the petitioner viz., Ajay Singh 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.)