

25.07.2023.
28.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2910 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malipanchghara P. S. Case No.52 of 2023 under Sections 278/285/287/338/308/326/34 of the Indian Penal Code.

In the matter of : Vinoy Kumar Gupta @ Vikki Yadav.
.... Petitioner.

Mr. Milon Mukherjee, ld. Sr. Adv.,
Mr. Subhasish Pachhal.
...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.
...for the State.

Petitioner is in custody for 62 days. It is submitted there was an accidental explosion and the petitioner and other workers were injured. Petitioner was also treated at the hospital. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He refers to the report of the forensic expert and submits that petitioner had not followed safety guidelines and stored LPG and oxygen cylinders in a residential area.

We have considered the materials on record. An explosion occurred in the factory. There were LPG cylinders as well as an oil tanker at the time of explosion. Due to the explosion number of workers were injured and their limbs had to be amputated. Whether the conduct of the petitioner would disclose ingredients of Section 326 of the Indian Penal Code requires to be assessed during trial.

Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are inclined to enlarge the petitioner on bail.

Accordingly, the petitioner viz., Vinoy Kumar Gupta @ Vikki Yadav shall be released on bail upon furnishing a bond of Rs.50,000/- with two sureties of Rs.25,000/- each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, 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.)