

24.07.2023
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allowed

CRM(DB) No. 2924 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. 285 of 2021 dated 09.06.2021 under Sections 379/511/427 of the Indian Penal Code and Sections 15/16 of P & MP Act, Sections 3/4 of the Explosive Substance Act and Sections 3/4 of the PDPP Act.

And

In Re : Sk. Sabir Hossain @ Sk. Sabir @ Hossain petitioner

Mr. Sabir Ahmed
Ms. Suman Biswas

....for the petitioner

Mr. Sudip Ghosh
Mr. Koushik Kundu

..... for the State

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

.... for de facto complainant/IOCL

Learned Counsel for the petitioner submits he is in custody for more than two years. It is also submitted there is little possibility of trial concluding in near future. Co-accused are on bail. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner was involved in pilfering of high speed diesel oil from the de facto complainant/ IOCL.

Learned Counsel for the de facto complainant/ IOCL also opposes the prayer for bail.

We have considered the materials on record. Allegations disclose an organised criminal activity. But petitioner is in

custody for more than two years and there is little possibility of trial concluding in near future. Co-accused are on bail. Under such circumstances, we are inclined to grant bail to the petitioner also.

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 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 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.)