

25.07.2023.
39.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2936 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 read with Sections 15/16 of the Petroleum and Mineral Pipe Line (Acquisition of Right of user in Land Act) and Sections 3/4 of the Explosive Substance Act and Sections 3/4 of the Prevention of Damage to Public Property Act

In the matter of : Suman @ Kuchu Banerjee.

.... Petitioner.

Mr. Kunal Ganguly,
Mr. Tirupati Mukherjee.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Arani Bhattacharyya.

...for the State.

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

...for the de-facto complainant.

Petitioner is in custody for more than two years. Co-accused has been enlarged on bail. There is little possibility of trial concluding in the near future. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

Learned Advocate for the de-facto complainant submits petitioner is the kingpin and played an important role in pilfering high speed diesel oil from the pipeline of IOCL.

We have considered the materials on record. Offence involves an organised crime activity but petitioner is in custody for more than two years. Offences, even if proved, would not

attract mandatory life imprisonment. Co-accused are on bail. There is no possibility of trial concluding in the near future.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Suman @ Kuchu Banerjee 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.)