

26.07.2023
SI. No.24
akd
[ALLOWED]

C. R. M. (DB) 2958 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.07.2023 in connection with Bagnan Police Station FIR Case No.430 of 2020 dated 12.12.2020 under Sections 379/411/414/427/120B of the Indian Penal Code, Sections 15/16 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, Sections 3/4 of the P.D.P.P. Act, 1984 and Sections 3/4 of the Explosive Substances Act. (G.R. Case No.2264 of 2020)

And

In Re: ***Sabir Hussain @ Kalo***

... .. Petitioner

Ms. Devi Priya Mitra

... .. for the petitioner

Ms. Sharmistha Ghosh

Mr. Amit Ghosh

Mr. Victor Chatterjee

... .. for the de-facto complainant

Mr. Sudip Ghosh

Mr. Koushik Kundu

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than two years. It is further submitted there is little possibility of trial concluding in the near future. It is also submitted petitioner is on bail in the other cases. Co-accused have been enlarged on bail. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioner is a member of the gang who pilfered crude petroleum oil by drilling into the pipes of the complainant company.

Learned Advocate for the de-facto complainant also opposes the prayer for bail and submits date has been fixed for recording prosecution evidence.

We have considered the materials on record. There are materials implicating the petitioner in the crime. He was implicated in a number of cases. Charge has been framed. Prosecution proposes to

examine 27 witnesses. Keeping in mind the number of witnesses proposed to be examined, we do not feel the trial would conclude in the near future. Offences, if proved, would not attract mandatory life imprisonment. However, it is contended petitioner may indulge in similar activities. Such apprehension may be addressed by restricting the movement of the petitioner while on bail. Co-accused have been enlarged on bail.

Balancing the nature of accusation with the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely ***Sabir Hussain @ Kalo***, be released on bail upon furnishing a bond of Rs.50,000/- (Rupees Fifty thousand only), 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 the said petitioner 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 not leave the jurisdiction of Maheshtala Police Station except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Maheshtala Police Station once in a week until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

