

27.07.2023.
23.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2971 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 & Minerals Pipe Line (Acquisition of Right of User in Land) Act and under Sections 3/4 of the Explosive Substances Act and under Sections 3/4 of the Prevention of Damage to Public Property Act.

In the matter of : Kusum Pradhan.

.... Petitioner.

Mr. Kunal Ganguly.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.

...for the State.

Mr. Sandipan Ganguly, Id. Sr. Adv.,
Ms. Sharmistha Ghosh,
Mr. Amit Ghosh,
Mr. Victor Chatterjee.

...for the De-facto complainant.

Petitioner is in custody for more than two years. He submits co-accused are 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. He submits trial is in progress.

Learned Senior Advocate for the de-facto complainant-IOCL submits petitioner is one of the mastermind who in collusion with the co-accused had pilfered high speed diesel oil from IOCL pipeline.

We have considered the materials on record. No doubt allegations involve organised crime activity. But petitioner is in custody for more than two years and the progress in trial does

not inspire confidence and indicates a quick conclusion. Offences, even if proved, would not attract mandatory life imprisonment. Co-accused are on bail.

Under such circumstances, we are inclined to extend the same privilege to the petitioner also.

Accordingly, the petitioner viz., Kusum Pradhan 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, Hooghly 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 and on further condition that the petitioner while on bail shall remain within the District of South 24-Paraganas and report to the Officer-in-charge, Maheshtala Police Station once in a week until further orders.

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.)

