

28.07.2023
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allowed

CRM(DB) No. 2994 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. 261 of 2021 dated 18.05.2021 under Sections 15/16 of the MP Act Sections 3/4 of Explosive Substances Act and Sections 3/4 of Prevention of Damages of Public Property Act.

And

In Re : Ajay Singh petitioner

Mr. Kallok Mondal
Mr. Subhasish Bandypoadhyay
Mr. Krishan Roy
Mr. Souvik Das
Mr. Anamitra Banerjee
Mr. Ayan Mondal
.....for the petitioner

Mr. Saibal Bapuli, learned APP
Mr. Arijit Ganguly
Mr. Arani Bhattacharyya
..... for the State

Ms. Sharmistha Ghosh
Mr. Amit Ghosh
Mr. Victor Chatterjee
.... for de facto complainant

Learned Counsel for the petitioner submits he is in custody for more than two years. It is also submitted that co-accused are on bail. There is no possibility of trial concluding in the near future. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner is the principal conspirator. He along with others pilfered high speed diesel from the IOCL pipeline.

Learned Counsel for the de facto complainant submits petitioner is the kingpin and had organised the criminal activity.

We have considered the materials on record. Allegations involve an organised criminal activity but petitioner is in custody for a protracted period of time and co-accused are on bail. There is no possibility of trial concluding in near future. Offences, even if proved, would not attract mandatory life imprisonment. Accordingly, we are inclined to grant bail to the petitioner.

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.

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.)