

02.08.2023
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allowed

CRM(DB) No. 3064 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. 430 of 2020 dated 12.12.2020 under Sections 379/411/414/427/120B 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 P.D.P.P. Act and Sections 3/4 of the Explosive Substances Act.

And

In Re : Ranjan Kumar Bakuli @ Bhola petitioner

Ms. Devi Priya Mitra

....for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Sandip Chakraborty

..... 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 there is delay in trial. Co-accused are on bail. He renews his bail prayer.

Learned Counsel for the State opposes the prayer for bail and submits petitioner is the driver of the tanker which was used to pilfer high speed diesel from the IOCL pipeline.

Learned Counsel for the de facto complainant opposes the bail prayer.

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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)