

03.08.2023
Sl. No.31
akd
[ALLOWED]

C. R. M. (DB) 3082 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.07.2023 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: ***Kusum Prodhan***

... .. Petitioner

Ms. Devi Priya Mitra

... .. for the petitioner

Ms. Sharmistha Ghosh

Mr. Victor Chatterjee

Mr. Tirthankar Nandi

... .. for the de-facto complainant

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor

Mr. Arani Bhattacharyya

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about two years. Co-accused have been enlarged on bail. Accordingly, he prays for bail.

Learned Additional Public Prosecutor opposes the prayer for bail.

Learned Advocate for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Allegations are grave and involve pilferage of petroleum products by an organised gang. However, co-accused have been enlarged on bail. There is little possibility of trial concluding in the near future. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Kusum Prodhan***, 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)