

04.08.2023
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allowed

CRM(DB) No. 3103 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 or 2021 dated 18.05.2021 under Sections 379/511/427 of the Indian Penal Code and Sections 15/16 of P & MP Act, Sections 3/4 of Explosive Substance Act and Sections 3/4 of PDPP Act.

In Re : Kusum Prodhan

And
..... petitioner

Ms. Devi Priya Mitra
....for the petitioner

Mr. Sudip Ghosh
Mr. Koushik Kundu
..... for the State

Mr. Amit Ghosh
Mr. Victor Chatterjee
..... for de facto complainant/IOCL

Learned Counsel for the petitioner submits he is in custody for more than two years. Co-accused have been enlarged on bail. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

Learned Counsel for the de facto complainant/IOCL submits petitioner financed illegal criminal activity.

We have considered the materials on record. Though allegations are grave and involve an organised criminal activity in pilfering oil from the IOCL pipeline we note petitioner is in custody for more than two years. There is little possibility of trial concluding in the near future. Co-accused have been enlarged on bail. 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.)