

16.10.2023
Sl. No.50
akd
[Rejected]

C. R. M. (DB) 4027 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.10.2023 in connection with Galsi Police Station Case No.380 of 2023 dated 24.06.2023 under Sections 379/411/414/120B of the Indian Penal Code read with Sections 15(2)/15(4)/16 of the Petroleum @ Minerals Pipelines Act, 1962, Sections 3/4 of the Prevention of Damage to Public Property Act, 1984 and Sections 3/4 of the Explosive Substances Act. (G.R. Case No.3547 of 2023)

And

In Re: ***Some Nath Tewary @ Somenath Tewary***

... .. Petitioner

Mr. Shyamal Kumar Pandey
Mr. Somnath Gangopadhyay

... .. for the petitioner

Mr. Anirban Datta
Ms. Sharmistha Ghosh

... for de-facto complainant (IOCL)

Mr. Sudip Ghosh
Mr. Koushik Kundu

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 114 days. It is further submitted petitioner is the owner of the premises. He had let out a portion of the premises to 'M/s. Excellent Enterprise' where pilfered oil was stored and distributed. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits bail prayer of co-accused viz. Subhas Chandra Jash @ Sube had been turned down by this court. Petitioner is a conspirator in the crime.
3. Learned Advocate for the de-facto complainant also opposes the prayer for bail.
4. We have considered the materials on record. Petitioner and co-accused had entered into conspiracy to pilfer oil from IOC pipelines

and distribute the same. Illegal activities were carried on the land owned by the petitioner. A purported tenancy agreement was created to veil the involvement of the petitioner in the crime. In view of the nature of the crime which involves an organised racket in pilfering crude oil and its distribution from the land owned by the petitioner and as the whereabouts of the lessee who is said to have taken the property on rent are untraceable, we are of the opinion this is not a fit case to grant bail to the petitioner at this stage.

5. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)