

21.12.2023  
Sl. No.86  
**akd**  
[ALLOWED]

**C. R. M. (DB) 4714 of 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.12.2023 in connection with Egra Police Station Case No.0381 of 2023 dated 16.05.2023 under Sections 286/188/304 of the Indian Penal Code read with Sections 24/26 of the West Bengal Fire Services Act. (G.R. (E) Case No.566 of 2023)

And

In Re: ***Indrajit Bag***

... .. Petitioner

Mr. Rajdeep Majumder  
Mr. Moyukh Mukherjee  
Ms. Sagnika Banerjee

... .. for the petitioner

Mr. Debasish Roy .. Id. Public Prosecutor  
Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor  
Mr. Palash Majhi

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 210 days. It is further submitted that his uncle (since deceased) used to run an illegal firecracker business. Investigation is complete. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits eleven persons had died due to explosion from the firecrackers illegally stored by the petitioner.
3. We have considered the materials on record. Petitioner is alleged to have run an illegal firecracker business. He stored firecrackers which burst and caused death of eleven persons including his uncle. In view of the aforesaid facts it is to be determined during trial whether the case would fall under Section 304 IPC or Section 304A IPC. Investigation is complete. There is no chance of abscondence of the petitioner. Keeping in mind the aforesaid facts and the period

of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely ***Indrajit Bag***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, Fast Track, 2<sup>nd</sup> Court, Contai, Purba Medinipur 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.
5. 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.
6. The application for bail, thus, stands allowed.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**