

06.05.2024
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rejected

C.R.M.(DB) No. 1333 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure 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 and Minerals Pipelines Act and Sections 3/4 of the Prevention of Damage to Public Property Act.

And

In Re : Some Nath Tewary @ Somenath Tewary petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.
Mr. Kusal Kumr Mukhrjee
Mr. Diptangshu Basu
....for the petitioner

Mr. Sudip Ghosh
.... For the CID

Ms. Amita Gaur
Ms. Sanjida Sultana
.... for the State

Mr. Sandipan Ganguly, Sr. Adv.
Ms. Sarmistha Ghosh
Mr. Amit Ghosh
.... for the IOCL/de facto complainant

1. Learned Counsel for the petitioner submits he is in custody for 317 days. It is also submitted there is delay in trial. One witness has been examined in part. There is little possibility of trial concluding in the near future. He prays for bail.

2. Learned Special Counsel for CID submits report. He contends petitioner is the member of a gang which had set-up a factory to deal in stolen petroleum oil from Indian Oil Corporation pipeline. He assures the Court that trial shall be

completed within ten months subject to co-operation by the defence and systemic delays.

3. Learned Counsel for the State opposes the bail prayer.

4. We have considered the materials on record. Petitioner is a member of an organized crime racket dealing in stolen petroleum products. Petitioner and others had set-up a pipeline extracting oil from Indian Oil Corporation pipeline and stored the oil in tanks in the factory. Trial is in progress. Possibility of abscondence and commission of similar offences in the event petitioner is released on bail cannot be ruled out. Prosecution assures this Court that trial shall be completed within ten months from the next date fixed for recording evidence. Accordingly, we are not inclined to grant bail to the petitioner.

5. Application for bail is, thus, rejected.

6. Trial court is directed to expedite the trial in the light of the assurance given by the prosecution and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

7. Parties shall co-operate with the trial and communicate this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)