

Item No.08

Ct.No.34

rc.

C.R.M. (M) 649 of 2025

And

... Petitioner

Mr. Tapas Maity

... for the Petitioner

Mr. Parvej Anam

... for the State

Mr. Anirban Dutta

Mr. Amit Ghosh

..for the defacto complainant

The petitioner is in custody for more than two years

and renews his prayer for bail.

Learned counsel for the petitioner submits that the petitioner sold out the plot in question to his friend Somnath Tewari who has been running the alleged business therein. The petitioner has no nexus whatsoever with the alleged offence.

Learned counsels for the State and the defacto complainant oppose the prayer.

I have considered the material on record. The petitioner's name has transpired from the statement of the

co-accused. It is a fact that the allegation is extremely serious in nature. A factory has been set up on the land purchased by the principal accused. Allegations involve pilferage of crude oil from the pipeline of Indian Oil Corporation Limited by perforating the said pipeline and diverting the crude oil to the factory for selling out the same illegally. However, it prima facie appears that the petitioner sold out the property to the principal accused and allegation against him is that he is a friend of the principal accused and was present at the spot when the seizure was made. Such fact, I am afraid, does not constitute a crime. The defacto complainant has said in his evidence before the learned trial Court that he has no other allegation against the petitioner except that he is a friend of the principal accused and was present at the place of occurrence at the time of detection of the crime.

Considering the material on record and extent of complicity of the petitioner in the alleged offence, prayer for bail is allowed.

The petitioner **Subhas Chandra Jash @ Subi**, be released on bail upon furnishing 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 Chief Judicial Magistrate, Purba Burdwan subject to condition that he shall appear before the learned trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date without justifiable cause, the learned 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, thus, disposed of.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)