

18.09.2020

Court No. 19
Item No. 4
abhar/bdatta

**CRM 6457 of 2020
With
CRAN 1 of 2020**

(Via Video Conference)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with Daspur Police Station Case No. 116 of 2019 dated 29.04.2019 under Sections 468/420/120B/489A/489B/489C of the Indian Penal Code.

and

In the matter of: Indrajit Rana & Anr.

... Petitioners

Mr. Sekhar Bose,
Mr. Surajit Basu.

.....for the Petitioners

Mr. Rana Mukherjee,
Ms. Sujata Das.

..... For the State

The learned advocate for the petitioners undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up.

The application being CRAN 1 of 2020 is accordingly disposed of.

On the last occasion, the instant application for bail was adjourned to respond the queries raised by the learned senior counsel appearing for the petitioners. The points were raised that unless the ownership of the seized vehicle is ascertained and the certificate from a competent agency is also obtained, the police authority cannot keep the petitioners in custody. On the other hand, it was submitted that unless there is incriminating materials available with the investigating agency, the right of a person to liberty cannot be frustrated under the garb of the so called authority of law.

The State was directed to produce the case diary today. It appears from the report of Bharatiya Reserve Bank Note Mudran Private Limited that the seized currency are the counter-feit notes and so far as the ownership of the vehicle is concerned, the same stands in the name of the petitioner no. 2.

We appreciate the submission of the learned senior counsel for the petitioners that both the accused are languishing in jail for a pretty long time but in our opinion that will not give any kind of a premium to the accused against whom the incriminating materials have been unearthed during the investigation. Accordingly, the prayer for bail is rejected.

However, we request the learned Judge in the Court below to expedite the matter.

The application for bail being C.R.M. 6457 of 2020 is dismissed.

(Tirthankar Ghosh, J.)

(Harish Tandon, J.)