

16.09.2020

Item no. 25

Ct.23

CHC

Allowed

C.R.M. No.6668 of 2020
C.R.A.N.1 of 2020
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with S.SL Case no.40/2020 arising out of Nowda Police Station Case No. 137/2019 dated 18/06/2019 under Sections 489B/489C of the Indian Penal Code.

And

In the matter of:-

Mofijul Sk.

... Petitioner

Mr. Somnath Adhikary

.. for the petitioner

Ms. Sukanya Bhattacharya,
Md. Kutubuddin

..for the State

The petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The allegation against the accused/petitioner is that Rs.20,000/- of fake notes (five pieces of Rs.2000/- denomination and ten pieces of Rs.5,00/- denomination) were seized from the custody of the petitioner.

It is submitted by the learned advocate for the State that charge-sheet has already been submitted but charge has not yet been framed.

However, we have noted that the petitioner is in custody for over 458 days, charge sheet has been submitted and he had no other company while this seizure was made by the State.

Considering his long stay in jail; and that he was found to have used such fake currency notes by giving it to any one and further considering that no further custodial interrogation is necessary, we are inclined to allow the application for bail.

We, therefore, direct that the petitioner be released on bail upon furnishing a bond of Rs.15,000/- (Rupees Fifteen Thousand only), with two sureties, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Berhampore and on condition that the petitioner shall not tamper with evidence and intimidate the witnesses. The petitioner shall attend the trial court each and every date and in the event of his non compliance of any of his condition his prayer for bail may be cancelled by the learned court below without any reference to this Court.

With these observations, CRM 6668 of 2020 and CRAN 1 of 2020 are disposed of.

Learned appropriate Trial Court as well as all concerned authorities shall act in terms of the copy of the order downloaded from the official website of this Court.

(Kausik Chanda, J.)

(Sahidullah Munshi, J.)