

C.R.M. 8217 of 2020

(Through Video Conference)

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure in connection with Ranaghat P.S. Case No. 617 of 2012 dated 28.12.2012 under sections 489B/489C/34 of the Indian Penal Code.

And

In the matter of : Alope Biswas @ Bapi & Anr.

Mr. Prabir Majumder

... ... for the petitioners

Mr. P.K. Dutta

Mr. Pradipta Kr. Ganguly

... ... for the State

Petitioners are in custody for over seven years. It is submitted that there is no evidence to show that petitioners were using fake Indian currency notes.

Learned lawyer for the State opposes the prayer for bail and submits that petitioners have criminal antecedents.

We have considered the materials on record. Although a number of FICNs were seized from the possession of the petitioners, it is to be seen in the course of trial whether the evidence on record establishes that they were using or dealing in such counterfeit currency notes. That apart, petitioners have suffered protracted period of detention.

Under such circumstances, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties

of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to the condition that the petitioners 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.

In the event the petitioners fail to do so without justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this court.

The application for bail is, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Md. Nizamuddin, J.)

(Joymalya Bagchi, J.)