

22.12.2020
Sl. No.51
akd
[ALLOWED]

C. R. M. 10603 of 2020 [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.12.2020 in connection with Airport Police Station Case No. 31 of 2020 dated 27.02.2020 under Sections 420/406/467/468/471/409/120B/34 of the Indian Penal Code.

And

In Re: ***Sariful Islam @ Soriful Islam & Anr.***

... .. Petitioners

Mr. Ayan Basu .. Advocate
Mr. Prabir Kr. Das .. Advocate
Mr. Sourav Bera .. Advocate
Mr. Sumit Routh .. Advocate

... .. for the petitioners

Mr. Saibal Bapuli .. Ld. Addl. Public Prosecutor
Ms. Sayanti Santra .. Advocate

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about 70 days. It is further submitted that SARFAESI proceeding has been instituted against the petitioners by the complainant bank in respect of secured assets.

Learned Additional Public Prosecutor opposes the prayer for bail and submits that the petitioners had defrauded the bank of large sums of money.

We have considered the materials on record. Alleged forged documents are in the control and custody of the investigating agency. In view of the aforesaid facts and the period of detention suffered by the petitioners, we are of the opinion that further detention of the accused/petitioners is not necessary.

Therefore, the accused/petitioners, namely ***(1) Sariful Islam @ Soriful Islam & (2) Manibul Hasan***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the

satisfaction of the learned 3rd Additional District Judge, Special Court, Barasat, North 24-Parganas subject to condition that the said 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 and on further condition that the petitioners shall meet the Investigating Officer once in a week until further orders.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)