

21.06.2021

CRM 1966 of 2021

Court No. 28
Item No. 16
nandy

(bail - allowed)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 19.02.2021 in connection with Baishnabnagar Police Station Case No. 390 of 2018 dated 22.07.2018 under Sections 489B/489C/120B/34 of the Indian Penal Code (S.C. Case No. 104 of 2019).

and

In the matter of: **Ferajul Sk. @ Firajul**

..... Petitioner

Mr. Arup Kumar Bhowmik, Advocate

.....for the Petitioner

Mr. Rana Mukherjee, Advocate

..... for the State

The petitioner has filed the instant application for bail in connection with Baishnabnagar Police Station Case No. 390 of 2018 dated 22.07.2018 under Sections 489B/489C/120B/34 of the Indian Penal Code.

Learned Advocate appearing for the petitioner submits that the petitioner is languishing in jail since one year five months in connection with the instant case though he was neither named in the FIR nor the counterfeit currency was recovered from his exclusive possession. It is further submitted that two of the prime accused have already been enlarged on bail and, therefore, there is no necessity getting the petitioner in custody.

Learned Advocate appearing for the State vociferously submits that the petitioner was absconding and avoided arrest for a long period of two years and, therefore, is not entitled to claim benefit on the ground of parity. It is further submitted that two prime accused were enlarged on bail under the statutory provision as the investigation could not be completed within the prescribed period of limitation.

It is no doubt true bringing the counterfeit currency and making it into circulation has negative impact on the growth of the country both economically and socially, and the advancement which the citizenry of the country perceived and visualized. The economic offence, if deep-rooted into the society, shall have ramification not only on the society but also on its gradual growth, which an orderly society can never conceptualize. It is really a matter of concern that two prime accused from whom the counterfeit currency notes were seized had been enlarged on bail either in exercise of the discretion of the concerned Court or because of the failure on the part of the prosecution to complete the investigation and submit the report within the prescribed period of limitation provided under the statute.

There has been an omnibus allegation against all the accused and commonality is also patent from the chargesheet submitted by the prosecution, which is annexed with the application for bail. Solely on the ground of parity, we do not think that custody of the petitioner is at all necessary.

As such, the prayer for bail is **allowed**.

Accordingly, the petitioner shall be released on bail on the following conditions:-

- i) The petitioner shall furnish a bond of Rs.10,000/-, with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Malda;
- ii) The petitioner shall not leave the jurisdiction of the concerned police station without the leave of the trial Court concerned;
- iii) The petitioner shall make himself available on each and every

date so fixed by the trial Court;

- iv) Failure to attend the Court on a solitary day without any justifiable reason shall disentitle the petitioner the privilege of bail and the trial Court would be at liberty to cancel the bail without any reference to this Court.

The application being **CRM 1966 of 2021** accordingly **disposed of**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)