

(Via Video Conference)

CRM 2514 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Mothabari Police Station** Case No. **296 of 2019** dated **18.02.2019** under Sections **489B/489C/120B** of the Indian Penal Code.

- A n d -

In the matter of : Md. Kherool Sk. @ Fatik Sk.

.... Petitioner.

Mr. Firdous Samim,
Mr. A. Hossain,
Mr. S. K. Humayun Reza,
Mr. G. Biswas

... For the Petitioner.

Mr. S. Bapuli, Ld. APP,

... For the State.

The petitioner is in custody for about 897 days and prays for bail. It is submitted on his behalf that two other co-accused persons, similarly circumstanced as the petitioner, have been granted bail by the learned Court below. The petitioner was only found in alleged possession of counterfeit currency notes and no other overt act can be attributed to him.

The State refers to the case diary including the statement of witnesses and the report of the forensic laboratory which, *prima facie*, suggests that the currency notes allegedly recovered from the petitioner were “Low Quality Counterfeit Notes”.

We have considered the material in the case diary. Keeping in view the nature of allegations against the

petitioner and the period of his custodial detention and also as charge sheet has been submitted, we are inclined to hold that further detention of the petitioner is not necessary and he may be granted bail subject to stringent conditions.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- , with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Malda and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)