

02.06.2021
Item no.21
Court No.28
Avijit Mitra

C.R.M. 3738 of 2021 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure;

And

In Re : Nasiruddin Molla & ors.

.... petitioners

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.,
Mr. Samim Ahammed,
Mr. Soumya Dev Naskar

....for the petitioners

Mr. Rana Mukherjee,
Mr. N.P. Agarwala,
Mr. Pratick Bose

..... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Kashipur Police Station Case No.212/2021 dated 04.05.2021 under Sections 143/151/186/188/ 353/332/427/506 of the Indian Penal Code read with Section 3/4 of Prevention of Damage to Public Property Act, 1984 read with Section 51b of the Disaster Management Act, 2005.

Mr. Bhattacharya, learned senior advocate appearing for the petitioners submits that due to political rivalry the petitioners have been falsely implicated in an alleged incident which occurred on 4th May, 2021. In support of such contention he has drawn our attention to the forwarding report of the Sub-Inspector of Police of Kashipur Police Station.

He further submits that no overt act has been attributed to the petitioners and no police personnel had been injured. In

the said conspectus, further detention of the petitioners, who are in custody since 4th May, 2021, is not necessary.

Mr. Mukherjee, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of witnesses, as recorded under Section 161 of the Code and the seizure list.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that further detention of the petitioners is not warranted in the facts and circumstances of the case.

Accordingly, the petitioner, namely, **Nasiruddin Molla, Salauddin Molla @ Chhalaiddin Molla, Md. Asan Ali Molla @ Molya Asan, Md. Alauddin Molla and Faruk Ali Molla**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of the like amount, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Baruipur, South 24 Parganas.

As investigation is not complete, the petitioners are directed to meet with the investigating officer once a fortnight until further orders.

The petitioners shall attend the trial court on all the dates specified for hearing.

While on bail, the petitioners shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with any of the aforesaid directions, without justifiable cause, the learned trial court shall be at liberty to cancel the petitioners' bail, without any further reference to this Court.

The application for bail being C.R.M. No.3738 of 2021 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)