

27.7.2021

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Ct-16
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Allowed

CRM 3744 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No. 80 of 2020 dated 14.02.2020 under Sections 399/402 of the Indian Penal Code and under Sections 447/341/186/353/332/307/427/188/34 of the Indian Penal Code and Section 14 of the Foreigners Act.

And

In the matter of: **Motibul Biswas @ Moti Mondal**
...Petitioner.

Mr. Prabir Majumder
Mr. L. Maitra
Ms. Aindrila De
Ms. Rajnandini Das ... For the Petitioner

Mr. S. S Imam
Mr. Subrata Roy ... For the State

This matter has been mentioned in the morning as an urgent matter on the basis of determination given to us. Accordingly, this matter is taken up at 2.00 p.m upon notice to the State.

The learned advocate for the petitioner submits that the petitioner is innocent and on the basis of the statement made by the co-accused the petitioner has been arrested and he is in custody for 146 days.

The learned advocate for the State opposes the prayer for bail and submits that the petitioner is a Bangladeshi National and on the basis of the statement made by the co-accused he has been arrested.

Having regard to the fact that the charge-sheet has already been submitted and the petitioner was arrested on the basis of the statement of a co-accused which is inadmissible in evidence we do not find any reason for further detention of the petitioner.

Accordingly, we **allow** the application for bail and direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten thousand only), with two sureties of like amount, one of whom must be local, to the satisfaction of the Arresting Officer.

Accordingly, the application for bail being CRM 3744 of 2021 is thus disposed of.

(Hiranmay Bhattacharyya, J.)

(Soumen Sen, J.)