

C.R.M. (DB) 210 of 2022

13.04.2022

Sl. 87
Court No.29
sourav
(Rejected)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Special Task Force** Police Station Case No. **1** of **2018** dated **02.02.2018** under Sections **120B/121/121A/122/123/124A/125** of the Indian Penal Code read with Sections **4/5/6** of the Explosive Substances Act and under Sections **17/18/18A/19/20/21/23** of the Unlawful Activity (Prevention) Act.

And

In the matter of: **Abdul Majed**

....petitioner.

Mr. Arindam Jana
Mr. Akashdeep Mukherjee
Mr. Pritam Chatterjee

...for the petitioner.

Mr. Neguive Ahmed, Ld. APP
Ms. Ayantika Roy

...for the State.

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is 67 years of age. He is a teacher at Madrasha. He is in custody of about 3 years 11 months. The charges are yet to be framed. He relies upon (2021) 3 Supreme Court Cases 723 (*Angela Harish Santakke Vs. State of Maharashtra*) and (2022) 1 Supreme Court Cases 695 (*Ashim Kumar Haranath Bhattacharya Vs. National Investigation Agency*) in support of his contention that the petitioner should be enlarged on bail. He submits that there is another case initiated by the National Investigating Agency at Patna where the petitioner is cited as a witness on the self-same fact.

Learned Additional Public Prosecutor appearing for the State draws the attention of the Court to the Statement of one of the witnesses recorded under Section 161 of the Criminal Procedure Code. He submits that the petitioner is involved in raising money in favour of a terrorist organization.

The petitioner is being investigated *inter alia*, under the

provisions of the Unlawful Activity (Prevention) Act, 1967. The charges are yet to be framed.

The petitioner is required to overcome the restrictions under Section 43D(5) of the Act of 1967.

In *Angela Harish Santakke (Supra)*, the Supreme Court granted bail to a lady. The lady was found to be in custody for over five years with the trial not commencing. The Court also found that the lady was acquitted of similar charges levelled against her in other cases. The factual scenario in the present case is not the same. In *Ashim Kumar Haranath Bhattacharya (Supra)*, the accused was arrested on July 6, 2012 and was in jail in respect of another case of 2007. In such circumstances, bail was granted to such accused. Again the factual scenario in the present case is not the same.

Considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case diary and in view of Section 43D(5) of the Act of 1967, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

C.R.M. (DB) 210 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

