

10.03.2022
Serial no. 36
Aloke
Ct. No. 29

CRM (DB) 543 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 21.02.2022 in connection with Chanchal P.S. Case No. 52 of 2021 dated 12.01.2021 under Sections 489B/489C/120B of the Indian Penal Code.

-And-

In the matter of: Kashimuddin @ Kashim @ Bicchi
... ..Petitioner

Mr. Angshuman Chakraborty, Advocate

Mr. Soupal Chatterjee, Advocate

... .. For the Petitioner

Mr. Neguive Ahmed, Id. APP

Ms. Ayantika Ray, Advocate

... ..For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in detention for 436 days. Since the police filed charge-sheet further detention of the petitioner is not required. No recovery was made from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody. He submits that so far as the Arms Act is concerned, the jurisdictional Court granted bail to the petitioner. However, since the petitioner is unable to furnish the securities, he is still being produced before the jurisdictional Court.

Learned Additional Public Prosecutor submits that the petitioner is named in the first information report. There are statements recorded under Section 161 of the Code of Criminal Procedure implicating the petitioner.

Considering the period of detention of the petitioner and considering the fact that the police filed charge-sheet and considering the fact that no fake currency was recovered from the possession of the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, we direct that 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 each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chanchal, Malda, subject to condition that the petitioner shall appear before the learned trial Court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial Court without any justifiable cause, the trial Court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail is allowed.

CRM (DB) 543 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)