

23.6.2022
Court No.34
Sl. No. 57
SD
(Allowed)

CRM (SB) 122 of 2022

In Re:- An application under Section 439 of the Code of Criminal Procedure in connection with Matia Police Station Case No. 113 of 2022 dated 06.4.2022 under Sections 420/406 of the Indian Penal Code and Section 14 of the Foreigners Act.

And

In the matter of: Md. Rabuil Islam

....petitioner.

Mr. Kallol Kumar Basu
Md. Jannat ul Firduous

... for the Petitioner.

Mr. Prasun Kr. Datta
Mr. Santanu Deb Roy

... for the State.

It is submitted on behalf of the petitioner that the petitioner has entered into Indian territory with valid passport and visa issued by the appropriate authority and he came here for the purpose of medical treatment.

It has been alleged in the F.I.R. that the petitioner has taken gold ornaments from one lady, namely, Manira Bibi on the pretext of giving her 'magic water' (pani para). Charge-sheet has already been submitted.

Mr. Kallol Kumar Basu, learned counsel for the petitioner, submits that petitioner is no way connected with the alleged offence and the entire allegations made in the complaint are bogus, fictitious, and unreliable. Accordingly, he may be granted bail in any terms and conditions.

Mr. Prasun Kumar Datta, learned counsel for the State, submits that the material collected so far by the investigating officer during investigation does not disclose offence which has been alleged against the petitioner, as there is no seizure in the case

diary. Accordingly, he submits that he has no objection if the bail is granted to the petitioner. Moreover, investigation has already been ended in charge-sheet.

Considering the facts and circumstances of the case, materials available in the case diary and that the investigation has already been ended in charge-sheet, the petitioner may be enlarged. As such, the prayer for bail is allowed.

Accordingly, I direct that the petitioner, namely, Md. Rabuil Islam shall be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only), with two registered sureties of Rs. 10,000/- amount each, both must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Basirhat, North 24 Parganas and on further condition that the petitioner will appear before the trial court as and when he will be asked to appear.

The application for bail, being CRM (SB) 122 of 2022, is, thus, disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Ajoy Kumar Mukherjee, J.)