

14.09.2022

Sl. No. 01

Srimanta

Ct.No. 42

List-S/L

CRM (SB)/219/2022

In the matter of : **Aktarul Molla**

...petitioner.

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Haroa Police Station Case No. 291/2022 on 20.08.2022 under Section 341/384/506 of the Indian Penal Code, 1860 and under Section 25/27 of the Arms Act, 1959.

Mr. Samim Ahammed, Adv.,
Mr. Arka Ranjan Bhattacharya, Adv.,
Ms. Gulsanwara Pervin, Adv.,
Ms. Ambiya Khatun, Adv.

...for the Petitioner.

Mr. Saibal Bapuli, Adv.,
Mr. Arani Bhattacharyya, Adv.

...for the State.

It is submitted on behalf of the petitioner that the petitioner along with others are victims of the incidents of post poll violence. A writ petition is pending in the Division Bench of this Court. The Hon'ble Chief Justice, presiding over the said Division Bench had sought for a report from National Human Rights Commission. During the pendency of the said writ petition, the Investigating Officer and the Officer-in-Charge of Haroa Police Station wanted to have a statement from the accused that he had no allegation in respect of incident of violence that took place after the election of 2021. The accused refused to give such statement. So, he was falsely implicated in this case.

Learned Public Prosecutor-in-Charge, on the other hand, submits that one country made fire arms and one round of live ammunition were seized from the possession of

the petitioner. The *de facto* complainant is a witness to the seizure. There are statements of the witnesses in the case diary who corroborated the FIR case that the accused/petitioner tried to extort money at gun point.

Having heard the Learned Advocate for the parties and on perusal of the entire materials-on-record including the case diary, I find that a fire arm was allegedly recovered from the possession of the accused. After recovery the case is pending for obtaining expert's opinion and submission of the charge-sheet. Most of the witnesses have already been examined under Section 161 of the Code of Criminal Procedure. Therefore, for the purpose of investigation of this case, further detention of the accused is not necessary.

Accordingly, the accused may find bail of Rs. 10,000/- with two sureties of like amount to the satisfaction of the Learned A.C.J.M., Basirhat with further condition that if on bail, he shall not leave the jurisdiction of Haroa Police Station without the order of the Learned A.C.J.M. Basirhat during the investigations of the case.

The instant application is, thus, **disposed of**.

(Bibek Chaudhuri, J.)