

03.05.2023
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allowed

CRM(DB) No. 1805 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Howrah Police Station Case No. 32 of 2022 dated 19.01.2022 under Sections 489B/489C of the Indian Penal Code.

And

In Re : Bubai Nandy @ Bittu petitioner

Mr. Pawan Kumar Gupta

Ms. Sofia Nesar

Mr. Santanu Sett

Mr. Abhijit Bose

....for the petitioner

Mr. Sudip Ghosh

Mr. Kaushik Kundu

.... for the State

Learned Counsel for the petitioner submits no fake Indian currency notes (FICNs) were recovered from his possession. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits on the leading statement of the co-accused two FICNs were recovered from the residence of the petitioner.

We have considered the materials on record. Petitioner was arrested in connection with an earlier case. While he was in custody, two FICNs were said to have been recovered from his residence on the disclosure statement of co-accused. Whether he had control and dominion over his premises at the time of recovery requires to be assessed in the light of the circumstances as he was in judicial custody at that material point of time. Under such circumstances we are inclined to enlarge him on bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)