

10.08.2023
Sl. No.18
akd
[ALLOWED]

C. R. M. (DB) 3164 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.08.2023 in connection with Kaliachak Police Station Case No.795 of 2021 dated 01.08.2021 under Sections 489B/489C/120(b)/34 of the Indian Penal Code. (G.R. Case No.4039 of 2021)

And

In Re: ***Bulbul Sk. @ Hutuya***

... .. Petitioner

Ms. Sreyashee Biswas
Ms. Benazir Hasna
Mr. Aliul Islam

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Trina Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 112 days. It is further submitted no fake Indian currency notes (FICNs.) were recovered from his possession. Accordingly, he prays for bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits co-accused is a 12-year old child. He had been prompted to carry fake Indian currency notes by the petitioner.

We have considered the materials on record. There is no legally admissible evidence to show that the petitioner had prompted the minor co-accused to carry fake Indian currency notes. His complicity is based on statement of the said co-accused before a police officer which is inadmissible in evidence. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Bulbul Sk. @ Hutuya***, 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 Chief Judicial Magistrate, Malda subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)