

23.08.2023
Sl. No.35
akd
[Rejected]

C. R. M. (DB) 3301 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.08.2023 in connection with Special Task Force Case No.22 of 2019 dated 24.06.2019 under Sections 120B/121/121A/122/123/124A/125/467/468 of the Indian Penal Code read with Section 14A(b) of the Foreigners Act along with Sections 16/17/18/18B/20 of the Unlawful Activities (Prevention) Act, 1967 and subsequently charge sheet submitted under Sections 120B/121/121A/122/123/124A/125/467/468/471 of the Indian Penal Code and Sections 16/17/18/18B/20 of the Unlawful Activities (Prevention) Act, 1967 and Section 14C of the Foreigners Act.

And

In Re: ***Rabiul Islam***

... .. Petitioner

Mr. Masum Ali Sardar

... .. for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Sandip Chakraborty

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for over four years. It is further submitted apart from documents seized from his possession, there is no material to connect him with the unlawful activities of a terrorist organisation. Four witnesses have already been examined. A large number of witnesses are yet to be examined. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits various articles containing incriminating materials were recovered from the possession of the petitioner. Trail of chats on social media also shows his complicity. Trial is in progress.
3. We have considered the materials on record. Allegations involve aiding and abetting the unlawful activities of a terrorist organisation viz. *Jammat-ul-Mujahidden, Bangladesh (JMB)*. Literatures encouraging terrorist activities have been recovered from the

petitioner. In addition, there are chat messages on social media implicating him. Trial is in progress. In view of the aforesaid materials, a prima facie case attracting the restrictions of Section 43D(5) of the UAPA Act stands in the way of bail. It cannot be said that trial has not progressed. Hence, we are not inclined to grant bail to the petitioner at this stage.

4. The application for bail is thus rejected.
5. Trial court is directed to examine the prosecution witnesses at the earliest and conclude the trial at an early date preferably within two years from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties. Parties shall cooperate with the trial court in this regard.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)