

24.04.2025

DL-17 to 19

Court No.26

(SD)

CRA (DB) 132 of 2024

With

CRAN 1 of 2025

In re: An appeal under Section 21(4) of the National Investigation Agency Act, 2008.

-And-

In the matter of : Manoj Ghosh

... ...Appellant

Mr. Milon Kumar Mukherjee, Ld. Sr. Advocate

Mr. Debdatta Sen, Ld. Sr. Advocate

Mr. Biswajit Manna, Advocate

Mr. Alokesh Dalai, Advocate

Ms. Ledia Dasgupta, Advocate

Ms. Sawant Chanda

... for the appellant

Mr. Arun Kumar Maiti (Mohantya), Spl. PP. NIA

Mr. Bhaskar Prosad Banerjee, Spl. PP, NIA

Mr. Debasish Tandon, PP. NIA

... for the NIA

With

CRA (DB) 179 of 2024

In re: A memorandum of appeal under Section 21 of the National Investigation Agency Act, 2008.

-And-

In the matter of : Islam Chowdhury @ Islam

... ...Appellant

Mr. Sourav Chatterjee, Ld. Sr. Advocate

Mr. Satadru Lahiri, Advocate

Mr. Sourav Paul, Advocate

Mr. Samrat Biswas, Advocate

... for the appellant

Mr. Arun Kumar Maiti (Mohantya), Spl. PP. NIA

Mr. Bhaskar Prosad Banerjee, Spl. PP, NIA

Mr. Debasish Tandon, PP. NIA

Ms. Deepa Nomani, PP. NIA

... for the NIA

with

CRA (DB) 262 of 2023

With

CRAN 2 of 2024

In re: An appeal under sub-section (4) of Section 21 of the National Investigation Agency Act, 2008.

-And-

**In the matter of : Merajuddin Ali Khan @ Meraj Khan @
Meraz Khan @ Merajuddin Ali**

... ...Appellant

Mr. Milon Kumar Mukherjee, Ld. Sr. Advocate
Mr. Biswajit Manna, Advocate
...for the appellant

Mr. Arun Kumar Maiti (Mohantya), Spl. PP. NIA
Mr. Bhaskar Prosad Banerjee, Spl. PP, NIA
Mr. Debasish Tandon, PP. NIA
Ms. Deepa Nomani, PP. NIA
... for the NIA

In re: CRA 132 of 2024

1. Three appeals are taken up for analogous hearing as they emanate out of the same police case.
2. Manoj Ghosh, an accused was enlarged on interim bail by the Coordinate Bench by a judgment and order dated February 11, 2025.
3. Interim bail was granted on certain conditions which are as follows:-

“Accordingly, we are inclined to enlarge the petitioner Mr. Manoj Ghosh on interim bail, and we do so. The petitioner Manoj Ghosh may find interim bail of Rs. 50,000/- with two sureties of Rs. 25,000/- each out of which one must be local subject to the satisfaction of Learned Court of Chief Judge, City Sessions Court (NIA Court) at Calcutta and also subject to following conditions:-

- (i) The petitioner shall remain within the jurisdiction of Bidhannagar, Salt Lake, Kolkata excepting for the purpose of attending court proceedings,
- (ii) The petitioner shall meet the Bench clerk of the Chief Judge City Sessions Court, Calcutta during office hours twice in a week until further order, and the concerned Bench clerk will record the attendance of the petitioner separately with endorsement and official seal, in the attendance register to be produced by the petitioner,
- (iii) The petitioner shall furnish his local address where he will reside presently to the I.O. of this case as well as to the learned Trial Court.
- (iv) The petitioner shall not make any attempt to intimidate, influence or tamper with evidence and shall attend the court on each date of hearing,
- (v) The NIA authority is at liberty to keep a vigil upon the petitioner and monitor his phone calls.
- (vi) The petitioner shall be entitled to use only two mobile phone numbers after disclosing the same to the concerned I.O.
- (vii) The petitioner shall not carry on any kind of business involving explosives and stone crushing until further order.”

4. Report was called for from the respondent as to the post bail misconduct of Manoj Ghosh, if any, on the plea that he no guilty. Report submitted by the respondent filed in Court be taken on record.
5. Paragraphs 4 to 6 of such report are highlighted on behalf of the respondent to contend that Manoj Ghosh is guilty of post bail misconduct. In particular, it is claimed that since Manoj Ghosh is the sole proprietor to the Raj Lakshmi Store which is involved in stone crushing. Officials of the respondent found the son of Manoj Ghosh to operate a stone crushing machine belonging to Rajlakshmi Stone Works of which Manoj Ghosh is the sole proprietor. It is contended on behalf of the respondent that since Manoj Ghosh is the sole proprietor, no assets of Rajlakshmi Stone Works can be utilized.
6. In our view, Coordinate Bench while granting the interim bail to Manoj Ghosh required Manoj Ghosh not to carry on any kind of business involving explosive and stone crushing until further order. Apparently, his son operated the stone crushing machine on a particular day. Such machine was found not to be working subsequently as will appear from paragraph 6 of the report submitted on behalf of the respondent.
7. We are not in a position to arrive at a finding that action of the son of Manoj Ghosh who affected Manoj Ghosh in the manner as suggested on behalf of the respondent. Manoj Ghosh apparently was not at the place where the

stone crushing machine is located. Of the seven conditions imposed while granting of interim bail, violation of only one is alleged by the respondent. The other conditions inter alia required Manoj Ghosh to remain within the jurisdiction of Bidhannagar Salt Lake. Apparently, such condition was not violated by Manoj Ghosh. The stone crushing machine is located outside the jurisdiction of Bidhannagar Police Station. Nobody's case is that Manoj Ghosh himself operated the machine lying outside the jurisdiction which he is not supposed to leave.

8. In such circumstances, we confirm the interim bail granted to Manoj Ghosh on February 11, 2025 by the Coordinate Bench on the same terms and conditions.

In re: C.R.A. (DB)/ 179 of 2024

9. Learned senior advocate appearing for the appellant in C.R.A. (DB)/ 179 of 2024 submits that his client is entitled to bail on the ground of both of parity as also Article 21 of the Constitution of India. He submits that Manoj Ghosh, a co-accused was initially enlarged on an interim bail and such interim bail stands confirmed today. That apart, the Court granted bail to another co-accused, namely Rintu Sk. @ Muntaj Ali @ Muntaz Ali on March 19, 2025 in C.R.A. (DB) 310 of 2024.
10. Co-accused Rintu Sk. @ Muntaj Ali @ Muntaz Ali was granted bail on March 19, 2025 inter alia on the ground of Article 21 of the Constitution of India. It was noted

there that out of 8 accused, 6 were already on bail. It was also noted that the prosecution proposes to examine more than 100 witnesses at the trial and the charges are yet to be framed. Such situation continues to remain today. Appellant stands in the same footing as the other 6 co-accused already on bail.

11. In such circumstances, both on the ground of parity as also on Article 21 of the Constitution of India, we grant bail to Islam Chowdhury @ Islam.
12. Accordingly, it is directed appellant, **Islam Chowdhury @ Islam** be released on bail upon furnishing a bond of Rs.50,000/- (Rupees Fifty Thousand Only), with five sureties of like amount each, two of whom must be local, to the satisfaction of the learned Special Court Calcutta under NIA Act on condition that the appellant shall appear before the trial Court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the appellant while on bail shall not enter the Districts of Birbhum and Paschim Bardhaman until further orders except for attending Court proceedings. He shall reside within the municipal limits of Kolkata and/or Bidhnanagar Commissionerate and shall provide the address where he shall presently reside to the Investigating Officer as well as to the Court below and shall report to Deputy SP, NIA, Kolkata once in a week until further orders.

13. 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.

14. Report submitted in Court be taken on record.

In re: C.R.A. (DB)/ 262 of 2023

15. CRAN 2 of 2024 is **dismissed as not pressed** on the prayer made on behalf of the appellant in C.R.A. (DB)/ 262 of 2023.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)