

31.08.2023
Sl. No.26
akd
[ALLOWED]

C. R. M. (DB) 3404 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.08.2023 in connection with Kaliachak Police Station Case No.1161 of 2022 dated 11.10.2022 under Sections 489B/489C/120B of the Indian Penal Code. (G.R. Case No.6307 of 2022)

And

In Re: ***Md. Samim Ahmed @ Samim***

... .. Petitioner

Mr. Sagar Saha
Mr. Nurnobi Seikh

... .. for the petitioner

Mr. Koushik Kundu

... .. for the State

1. Leave is granted to the learned Advocate-on-record for the petitioner to correct the cause title in course of the day.
2. It is submitted on behalf of the petitioner that he is in custody for about 74 days. It is further submitted no fake Indian currency notes (FICNs.) have been recovered from his possession. Accordingly, he prays for bail.
3. Learned Advocate for the State opposes the prayer for bail and submits petitioner had supplied fake Indian currency notes to co-accused from whom recovery was made. Call Detail Records (CDRs.) and tower location collected in course of investigation establishes his complicity in the crime.
4. We have considered the materials on record. No fake Indian currency notes was recovered from the petitioner. Prosecution relies on Call Detail Records and tower location of the petitioner to show that he had telephonic exchanges with co-accused from whom recovery was made and was present at the place of occurrence. We

are of the opinion the aforesaid evidence are merely corroborative in nature. Contents of the conversation between the parties are not known. Range of a mobile tower is substantial and merely on cell tower location it may be hazardous to come to a conclusion that the petitioner was with the co-accused. In view of the aforesaid facts and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

5. Therefore, the accused/petitioner, namely **Md. Samim Ahmed @ Samim**, 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.
6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)