

18.09.2023
Sl. No.19
akd
[ALLOWED]

C. R. M. (DB) 3605 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.09.2023 in connection with Kaliachak Police Station Case No.427 of 2023 dated 06.04.2023 under Sections 489B/489C/120B of the Indian Penal Code. (G.R. Case No.2076 of 2023)

And

In Re: ***Saker Hossain @ Shakir Ali Khan***

... .. Petitioner

Mr. Ayan Basu
Mr. Sandip Kumar Mondal
Mr. Sourav Bera
Mr. Sumit Routh

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Mr. Arani Bhattacharya

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 114 days. It is further submitted no fake Indian currency notes (FICNs.) have been recovered from his possession. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits there were telephonic communications between the petitioner and the principal accused from whom fake Indian currency notes (FICNs.) were recovered. Prior to the incident money had been transferred to the account of the wife of the petitioner by the principal accused.
3. We have considered the materials on record. A single money transfer between the wife of the petitioner and the principal accused has been placed before us. No fake Indian currency notes was recovered from the petitioner. Prosecution relies on Call Detail Records of the petitioner to show that he had telephonic exchanges

with principal accused from whom recovery was made. We are of the opinion the aforesaid evidence are merely corroborative in nature. Contents of the conversation between the parties are not known. 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.

4. Therefore, the accused/petitioner, namely ***Saker Hossain @ Shakir Ali Khan***, 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.
5. 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.
6. The application for bail, thus, stands allowed.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)