

05.10.2023
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allowed

CRA(DB) No. 303 of 2023

In Re:- An appeal under Section 21(4) of the National Investigating Agency Act, 2008.

And

In Re : Sunny @ Nazish Ahmed & Anr. appellants

Md. Zeeshan Uddin

Ms. Amin Khatoon

....for the appellants

Mr. Bhaskar Prosad Banerjee

Mr. D. Tandon

..... for the NIA

1. Learned Counsel for the appellants submits they are in custody for 138 days. Investigation is complete. Co-accused are on bail. It is also submitted that no one was injured in the course of the incident. Accordingly they pray for bail.

2. Learned Counsel for the NIA opposes the prayer for bail.

3. We have considered the materials on record. A fight broke out between two communities. Police personnel intervened. Some of the police personnel were injured. No member of either of the communities was injured. Tension in the locality has subsidized since then. Co-accused have been enlarged on bail. Investigation is complete. Under such circumstances, we are inclined to grant bail to the appellants.

4. Accordingly, we direct that the appellants shall be released on bail upon furnishing a bond of Rs.50,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judge, City Sessions Court, Calcutta, subject to condition that they shall appear before the

trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further conditions that the appellants while on bail, shall not enter the municipal limits of Kolkata except for the purpose of attending court proceedings and shall provide the address where they shall presently reside to the investigating agency as well as court below and shall report to the Check Pal Sehrawat, Dy. SP/CIO, National Investigating Agency having office at NIA, 15th floor, NBCC Square, Action Area-III, New Town, Kolkata – 700 135 once in a week until further orders. Prior to their release, appellants shall deposit their passports, if any, with the trial court.

5. In the event the appellants fail to comply with any of the aforesaid conditions, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

6. The appeal is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)