

12.12.2023

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rejected

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.A.(DB) No. 57 of 2023
with
CRAN 1 of 2023

In Re:- A petition of appeal for bail under Section 21(4) of the
National Investigation Act.

And

In Re : Jakir Sekh @ Jakir Sk. appellant

Mr. Subham Ghosh
Mr. Mayank Roy
....for the appellant

Mr. Vinod Agarwal
Mr. Debanjan Das
..... for the NIA

1. Response filed in Court be kept on record.
2. Learned Counsel for the appellant submits he has appealed against order rejecting bail prayer. He is in custody for more than 900 days. High quality FICNs have not been recovered from him. He is innocent and has been falsely implicated. Charges have not yet been framed. Accordingly, he prays for bail.
3. Learned Counsel for the NIA opposes the prayer for bail and submits appellant is a habitual dealer of FICNs. A large number of counterfeit notes have been recovered from him

resulting in registration of a separate criminal case. Money transaction has been traced between the appellant and the principal accused, Golam Martuja in the present case. Co-accused are facing trial on similar charges in Patna. Delay in the present case is due to non-availability of the authorized personnel to ensure appearance of the co-accused through video linkage.

4. We have considered the materials on record. Prosecution case involves dealing in high quality counterfeit notes. Materials on record show appellant was earlier arrested with a large number of counterfeit notes. A separate criminal case was registered against him. In the present case investigation has revealed money trail between the petitioner and co-accused, Golam Martuja. Under such circumstances, we are not inclined to grant bail to the appellant at this stage.

5. Appeal for bail is, thus, rejected. In view of disposal of the appeal connected application being CRAN 1 of 2023 is also disposed of.

6. We take note of the fact that delay in the trial is due to non-production of co-accused who are presently facing trial in Patna. Their production through video linkage was not possible due to non-availability of authorized personnel.

7. Chief Project Coordinator, High Court, shall take necessary steps so that the co-accused who are facing trial in another State may be made available before the special court in Siliguri through vide linkage. Report in this regard shall be filed

by the Chief Project Coordinator, High Court on 5th January, 2024.

8. Copy of this order be sent to the Chief Project Coordinator, High Court, for necessary action.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)