

08.01.2024

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Allowed

C.R.M. (DB) No. 23 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 1466 of 2022 dated 24.12.2022 under Sections 489B/489C/120/34 of the Indian Penal Code.

And

In Re : Abu Kalam @ Abhu Kalam petitioner

Mr. Kalidas Saha

.....for the petitioner

Mr. S. S. Imam

Ms. Sonali Das

.....for the State

1. Learned Counsel for the petitioner submits no fake Indian currency notes (FICNs) were recovered from his possession. Co-accused are on bail. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits he supplied FICNs to the co-accused.

3. We have considered the materials on record. No FICNs were recovered from the possession of the petitioner. Complicity of the petitioner transpires from telephonic conversation between the petitioner and co-accused. Contents of such conversations are unknown. In view of scanty materials on record against the petitioner in the crime and as co-accused are on bail, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, Fast Track, 2nd Court, Malda, subject to condition that 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 petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)