

05.09.2024
Item no. 108.
Court No.28.
AB
(Allowed)

CRM (DB) 2571 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Berhampore Police Station Case No.296 of 2024 Dated 28.02.2024 under Section 489B/489C/34 of the Indian Penal Code read with Sections 25(1AA)/27 of the Arms Act

And

In the matter of : Mahammad Asmat Sk. @ Ashmat Sk.

.....Petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas
Ms. Poulami Bosefor the Petitioner.

Mr. Atif Ahmed Siddiquifor the State.

Dictated by Prasenjit Biswas, J.

1. It is submitted by the petitioner that he is in custody for more than six months. 13 pieces of Rs.500/- and 5 pieces of Rs.100/- fake Indian currency notes (FICNs) were recovered from possession of the petitioner. He prays for bail on the ground of his long detention.
2. Learned Advocate for the State vehemently opposes the prayer for bail and submits that there are sufficient incriminating materials in the case diary against the petitioner.
3. It appears that the investigation process has already been completed by submitting charge sheet by the Prosecuting Agency and this accused petitioner is in custody for a considerable period of time. There is no need for further detention of this petitioner behind the

bar for the sake of custodial interrogation. Therefore, we are inclined to allow this application for bail.

4. Accordingly, we direct that the petitioner, namely **Mahammad Asmat Sk. @ Ashmat Sk.** 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 Chief Judicial Magistrate, Murshidabad, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
5. The petitioner 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 and/or commit any cognizable offence in any manner whatsoever.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.
7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)

