

NIA CASE NO. 03 OF 2024
CNR NO.WBCS01-000482-2024
Present: Sri Sukumar Ray
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB00590

Order No. 34 dated 05.05.2025

Today is fixed for production of the accused person namely Moniur Rahaman, appearance of the accused persons namely Jahanar Mollah @ Jahadar Mollah and Mahabhat Molla and submission of I.O's report in final form.

The accused person namely **Moniur Rahaman** is produced before this Court through virtual mode.

The accused persons namely Jahanar Mollah @ Jahadar Mollah and Mahabhat Molla on Court bail are present before this Court by filing hazira.

Ld. Counsel for the accused person is present.

Ld. Public Prosecutor is also present.

One bail application u/s 167(2) of the Code of Criminal Procedure read with Section 187(3) of the Bharatiya Nagarik Surksha Sanhita, 2023 filed on behalf of the accused **Moniur Rahaman**.

The bail petition is moved.

Heard Ld. Counsel for the accused/petitioner as well as for the State in opposition.

Ld. Advocate for the accused person submits that this accused is in custody for more than 270 days and he further submits that charge sheet has not yet been submitted in this case. He further submits that right to default bail is absolute and not depend on the merits of the case. He further submits that petitioner has no prior criminal record. He further submits that petitioner is willing to furnish sufficient sureties to the satisfaction of the Ld. Court. He further submits that NIA has initiated a fresh case, so accused is entitled to get statutory bail.

Ld. Public Prosecutor opposes the bail prayer and he has categorically submits that charge sheet has already been submitted against the accused persons. So, the question of statutory bail does not and cannot arise.

I have carefully perused the materials on record.

On careful perusal of the record, it appears that charge sheet has already been submitted against the accused persons. The accused is entitled to be released on statutory bail if the prosecution has failed to submit charge sheet within the statutory period of ninety days, if the alleged offence is punishable with death, life imprisonment or imprisonment not less than ten years and sixty days in other cases. Right of the statutory bail ends as soon as charge sheet has been submitted. In the instant case charge sheet has already been submitted.

Considering the above facts and circumstances, I am not inclined to allow the prayer for releasing the accused on statutory bail.

Accordingly, the application dated 05.05.2025 for statutory bail of this accused/petitioner namely **Moniur Rahaman** is thus disposed of in the **negative**.

Another petition is filed on behalf of the NIA praying for extension of Judicial custody of accused Moniur Rahaman for another fortnight.

I have carefully perused the petition of the NIA.

Considering the gravity of the offence, national ramification and investigation is carried out day to day basis to identify and arrest the main conspirators involved in committing the offence, I am inclined to allow the prayer for further judicial custody of this accused person.

Accordingly, **Moniur Rahaman** be remanded to J.C till date.

The interim bail of the accused persons Jahanar Mollah @ Jahadar Mollah and Mahabhat Molla is extended till 19.05.2025.

Fix **19.05.2025** for production, appearance of the accused persons and submission of I.O's report in final form.

Accused persons on Court bail as before.

Let a copy of this order be sent to the Ld. Special P.P for NIA for information.

D/C by me
Sd/-
Chief Judge
City Sessions Court, Calcutta

Sd/-
Chief Judge
City Sessions Court, Calcutta