

NIA CASE NO 03 OF 2024

(CNR –WBCS01-000482-2024)

Present: Sri Soumendra Nath Das
Chief Judge, City Sessions Court, Calcutta.
Cum Special Judge, Under NIA Act
City Sessions Court, Calcutta
J.O. CODE NO.WB01132

Order No. 10 dated 20.09.2024

Today is fixed for production of accused person namely Moinur Rahaman, appearance of the accused persons namely Jahanar Mollah @ Jahadar Mollah and Mahabbat Molla and receiving order sheet dated 16.07.2024 from the Ld. ACJM, Uluberia, Howrah in terms of order no. 07 dated 02.09.2024 passed by this Court and submission of I.O's report in final form.

Today is also fixed for hearing of the bail application dated 06.09.2024 filed on behalf of the accused person namely Moinur Rahaman together with the written objection dated 13.09.2024 filed on behalf of the prosecution/NIA.

Today is also fixed for hearing of the petition dated 06.09.2024 filed on behalf of the accused persons namely Jahanar Mollah @ Jahadar Mollah and Mahabbat Molla praying for releasing the accused/petitioners on same bail and same bail bond of Ld. ACJM, Uluberia, Howrah.

Accused person namely **Moinur Rahaman** is produced from J.C before this Court.

Accused persons namely **Jahanar Mollah @ Jahadar Mollah and Mahabbat Molla** who are on Court bail are present before this Court by filing hazira.

Ld. Counsels for the accused persons and the Ld. Special P.P. of NIA are present.

I.O of this case files a petition through Ld. Spl. P.P praying for some time for submission of report in final form as investigation is being carried out on a day to day basis to identify and arrest the main conspirators involved in commission of the offence.

Perused the petition and the materials on the C.D I find that investigation is at the nascent stage and the allegations are that 3 to 4 persons were making live bombs at a ground near Chandrapur Bazar under Amta P.S with a view to commit heinous crimes and during such incident one of the bombs had exploded resulting to the death of one person.

In view such serious allegations, the prayer for time for submission of report in final form is considered and allowed for the purpose of thorough and proper investigation of this case.

Now the record is taken up for hearing of the bail application dated 06.09.2024 filed on behalf of the accused person namely **Moinur Rahaman** together with the written objection dated 13.09.2024 filed on behalf of the prosecution/NIA.

Ld. Counsel for the accused/petitioner submits that this accused/petitioner has volutarily surrendered before the Ld. ACJM at Uluberia on 02.07.2024 and since then he is detained custody and nothing has been seized from his possession and other co-accused persons are on bail and this accused/petitioner is on the same footings and this accused/petitioner has a fixed place of residence and he prays for bail of this accused/petitioner on any terms and conditions.

In reply, Ld. P.P of NIA vehemently objects to the bail prayer of this accused/petitioner and submits that there is an allegation of larger conspiracy between the accused persons for making live bombs at a ground near Chandrapur Bazar under jurisdiction of Amta P.S District-Howrah and during making of such live bomb one of the bombs had exploded resulting to death of one person and the investigation is at the nascent stage and if he is granted bail then there is every chance that he will abscond and will interfere with the investigation and he prays for rejection of bail prayer of this accused/petitioner.

Heard both sides.

Perused the materials on record and the C.D.

Considering the nature and gravity of the offence and also considering the materials in the C.D including the statement of the witnesses recorded u/s 161 of the Cr.P.C indicating the prima facie involvement of this accused/petitioner in the alleged offence of making live bombs at a ground near Chandrapur Bazar under jurisdiction of Amta P.S, Howrah and during making of such live bomb one of the bombs had exploded resulting to death of one person and therefore, I am of the view that this is not a fit case to grant bail to this accused/petitioner namely, Moinur Rahaman.

Accordingly, the petition dated 06.09.2024 praying for bail in respect of the accused/petitioner namely **Moinur Rahaman** is **rejected**.

Now the petition dated 06.09.2024 filed on behalf of the accused persons namely **Jahanar Mollah @ Jahadar Mollah and Mahabbat Molla** praying for releasing the accused/petitioners on same bail and same bail bond furnished before the Ld. ACJM, Uluberia Howrah.

Ld. Advocates for the accused/petitioners submits that after detaining in custody these accused/petitioners were granted statutory bail on 06.09.2024 by the Ld. ACJM, Uluberia, Howrah in connection with Amta P.S case no. 49 of 2022 dated 28.02.2022 and they have complied with all the conditions till today and after transferring the case record from Amta to this Court of NIA as per order dated 24.05.2024 passed in CPAN 698 of 2024 of the Hon'ble High Court Calcutta, these accused/petitioners are voluntarily appearing before this Court on each and every date and he prays for releasing the accused/petitioners on same bail and same bail bond furnished before the Ld. ACJM, Uluberia, Howrah for the ends of Justice.

Ld. Spl. P.P raised objection and submits that these accused/petitioners have been granted statutory bail by the Ld. ACJM, Uluberia, Howrah and as per direction of the Hon'ble High Court, Calcutta NIA took investigation of this case and the investigation is at the nascent stage, so at this stage of investigation he prays for extension of bail of these accused/petitioners till completion of investigation.

Heard all sides.

Perused the petition and the materials on the case record.

Considering all these aspects of the matter and the ramifications of national security involved in this case and for unearthing the larger conspiracy involved behind such bomb blast explosion, this Court thinks it fit and proper only to extend the same bail bonds of these accused/petitioners till next date i.e. on **04.10.2024**.

In view of the above observation, the petition dated 06.09.2024 filed on behalf of the accused/petitioners Jahanar Mollah @ Jahadar Mollah and Mahabbat Molla is thus disposed of.

Fix **04.10.2024** for production of the accused person **Moinur Rahaman** from J.C, appearance of the accused persons **Jahanar Mollah @ Jahadar Mollah and Mahabbat Molla** and submission of I.O's. report in final form.

Todate i.e. 04.10.2024 is also fixed for receiving order sheet dated 16.07.2024 from the Ld. ACJM, Uluberia, Howrah in terms of order no. 07 dated 02.09.2024 passed by this Court.

Accused person Moinur Rahaman be remanded to J.C till **04.10.2024**.

Accused persons Jahanar Mollah @ Jahadar Mollah and Mahabbat Molla as before.

C.D be returned.

D/C by me

Sd/-

Chief Judge

City Sessions Court, Calcutta

Cum Judge Special Court, Calcutta

Under NIA Act.

Sd/-

Chief Judge

City Sessions Court, Calcutta.

Cum Judge Special Court, Calcutta

Under NIA Act.