

23.09.2024  
Item no.01.  
Court No.28.  
S. De

**CRM (DB) No. 2856 of 2024**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

**In the matter of : Jahed Mahammad.**

**.....Petitioner.**

Mr. Nure Zaman,  
Sk. Humayan Reza, .....for the Petitioner.

Mr. Debashis Roy, Ld. P.P.  
Mr. Soumik Gangully,  
Md. Ejaz Akhter, .....for the State.

Mr. Sobhan Majumder,  
Sk. Sahidul Islam, ...for the daughter of the  
petitioner.

**Dictated by Arijit Banerjee, J.**

1. Read order dated September 18, 2024.
2. Sk. Jiyaul is present in Court today. He is the person who has affirmed the affidavit in support of the bail petition. He cannot explain as to how without instruction from the petitioner he has caused this bail petition to be filed. We referred to a document described as “prisoner’s petition” in our order dated September 18, 2024. Let that document be retained with the records. It would appear from that document that the petitioner says that he is not

aware of any bail petition having been filed on his behalf.

3. It is, therefore, clear that there is something funny going on. The bail petition stands rejected.
4. The Criminal Investigation Department, West Bengal, is directed to cause an enquiry into the matter and file a report before the learned Registrar General within one week after reopening of Court after Puja Vacation (November 11, 2024).
5. The learned Registrar General shall place the report before us. The C.I.D. should also ascertain as to how the Vakalatnama filed on behalf of the present petitioner has been procured from the correctional home in question.
6. A Xerox copy of the Aadhaar Card of the person affirming the affidavit in support of the bail petition i.e. Sk. Jiyaul be kept with the records.
7. Personal appearance of the daughter of the petitioner as well as Sk. Jiyaul is dispensed with for the time being.
8. Learned Registrar General is requested to immediately communicate this order to the A.D.G., C.I.D., West Bengal along with copies of all the documents that are on record including the Vakalatnama and the document described as "prisoner's petition".

9. Place this matter under the heading "To Be Mentioned" one week after the Puja Vacation (November 11, 2024).

**(Apurba Sinha Ray, J.)**

**(Arijit Banerjee, J.)**