

15.09.2020

ssd

**CRM 1690 of 2020
CRAN 1 of 2020
(Old CRAN 4009 of 2020)
(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Basirhat P.S. Case No.1314 of 2019 dated 24.11.2019 under Sections 14/14C of Foreigners Act adding Sections 212/120B of the Passport Act.

And

In the matter of: **Asad Ahmed**

....Petitioner.

Mr. Debapriya Samanta
Ms. Sarmistha China

...for the Petitioner.

Mr. Rana Mukherjee
Ms. Amita Gaur

...for the State.

The petitioner claims to be a French national who travelled to India under a valid visa issued by the Indian Government. The petitioner says that he has been illegally detained for nearly 10 months.

The office of the French Consulate-General in Calcutta has issued a letter dated March 3, 2020 to the Superintendent of Police, Basirhat Police District, explaining the position. It appears from such letter that the petitioner is a Bangladeshi national and obtained refugee status in France on his representation that he would be persecuted in Bangladesh. The petitioner was issued French travel documents and he obtained an Indian visa that permitted him to enter India once and the visa was valid between September 4, 2019 and December 3, 2019. The

Consulate-General's letter clearly stipulates that if a refugee travels to the country where he alleges that he faces prosecution, he loses his refugee status in France.

In the present case, the petitioner was apprehended sometime in November, 2019 trying to cross over from Bangladesh to India. The moment the petitioner went to Bangladesh and lost his status as a refugee in France, the French travel documents were of no use and even the visa on the invalid French document lost its efficacy. In any event, the visa granted by India to the petitioner was for a single entry. The petitioner attempted to enter India a second time, having previously entered India and slipped into Bangladesh without going through the appropriate channels.

The above prima facie view appears from the papers now available. Since it appears that the petitioner is a Bangladeshi national who has lost his refugee status in France and no longer possesses any valid travel documents, the petitioner's prayer for bail cannot be acceded to.

CRM 1690 of 2020 and CRAN 1 of 2020 are disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)