

21.10.2020

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Daily
List-4

CRM 5156 of 2020
With
CRAN 1 of 2020
(CRAN 3441 of 2020)

(Via Video Conference)

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Liluah Police Station Case NO. 110 of 2020 dated 4.4.2020 under Section 323/506 of the Indian Penal Code and Section 14 of the Foreigners Act, 1946.

In the matter of : Falgun Roypetitioner

Mr. Ayan Bhattacharya,
Ms. Sriparna Das.... For the Petitioner

Mr. Sandip Chakraborty For the State

The petitioner undertakes to appropriately stamp the petition as per the Rules within one month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

Pursuant to the Court order, learned advocate appearing for the State produces the letter dated 16th

September, 2020.

The contents of the letter is quoted below :

“With due respect & humble submission, I beg to submit that, during investigation, I visited PO duly shown and identified by the complainant as well as local people, examined the available witnesses and recorded their statements u/s 161 Cr.P.C. The Ld. Court of Dist. & Session Judge, Howrah vide Order Sheet No. 02 dt. 12.05.2020 directed to verify the citizenship of the arrested accused person Falgun Roy. As per order of the Ld. Court I submitted and sent prayer through G-mail before i) the Ministry of Home Affairs, North Block, New Delhi for providing the information regarding the Citizenship of Falgun Roy, ii) The Secretary WBBSC, Nivedita Bhaban, DJ-8, Sector-2, Karunamoyee, Salt Lake, Kolkata-091 for verifying Registration Certificate and Admit Card of WBBSC of Falgun Roy, iii) the UIDAI, Govt. of India, Bangla Saheb Road behind Kali Mandir, Gole Market, New Delhi for verifying the AADHAR Card having No. 360452922066 of Falgun Roy, iv) The Election Commission of Nirbachan Sadan, Ashoka Road, New Delhi for whether issue of EPIC Card in the name of Falgun Roy, v) The Chief Electoral Officer, Netaji Subhas Road, Fairly Place, BBD Bagh, Kolkata-01, West Bengal for whether EPIC Card issued in the name of Falgun Roy on 26.08.2020.

“ In response to my prayer, the office of CEO, WB stated that “kindly get in touch with District Magistrate & District Election Officer, Howrah in this regard as the matter has already been referred to said office”.

On 10.9.2020 the BDO, Bally-Jagacha Block intimated us that “in reference to the above subject it is to inform that no EPIC Card

has been issued to the above mentioned person i.e Sri Falgun Roy s/o Ashutosh Roy of Tantipara, Jagadishpur and even no such name has been found in the Voter List of Part No. –85 (Jagadishpur GP) under 184-Domur AC”.

In response to my Notice u/s 91 Cr.P.C. dt. 24.8.2020 the father of Falgun Roy supplied only the Xerox copies of AADHAR Card, Admit Card (MP) & Registration Certificate (MP) of Falgun Roy. On the basis of such Admit Card and Registration Certificate, on 27.08.2020 I served a notice u/s 91 Cr.P.C. on the Head Master of Jagadishpur High School from where the Falgun Roy appeared in MP Exam 2018. In response to my notice u/s 91 Cr.P.C. the Head Master of Jagadishpur High School informed that “Falgun Roy s/o Ashutosh Roy of Tantipara, Jagadishpur, PS LILuah, Howrah is a student of Jagadishpur High School and from admission register it is reveals that said Falgun Roy was admitted in the School on 10.01.2017 (SL No. 75) in Class-IX in the year 2017 and the date of birth of Falgun Roy is 17.07.1999. But the admission reigster does not reveal whether any document was submitted at the time of admission of Falgun Roy in this School or not, said Falgun Roy is now the student of Class-XII of this school”. **But he couldn't produce the Birth Certificate of his son Falgun Roy as sought in my Notice U/S 91 CrPC Dt. 24.08.2020.**

From the witnesses so far examined and the documents so far collected or seized it came to light that there is no existence of any documentary evidence in favour of accused Falgun Roy regarding his stay, domicile as well as citizenship before 10.01.2017. Even he does not have EPIC Card and his AADHAR Card was registered on **24.12.2019**. So summing up the above facts and circumstances it is surfaced that the presence of the accused person Falgun Roy in the Indian Territory has not been established before 2017.

This is for favour of the Hon'ble High Court, Calcutta and as your Hon'ble Cour deem fit and proper.”

Considering the said letter, in our considered view the petitioner should not be granted bail.

Accordingly, the prayer for anticipatory bail is rejected..

CRM 5156 of 2020 and CRAN 3441 of 2020 are disposed of.

The report as handed up by learned advocate Mr Chakraborty appearing for the State be kept on record.

(Samapti Chatterjee, J.)

(Aniruddha Roy, J.)