

03 22.02.2021
rkd Ct. No.32
(Allowed)

C.R.M. 804 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Swarupnagar** P.S. Case No. **594 of 2020** dated **03/11/2020** under Section **14** of the Foreigners Act and under Section **188** of the Indian Penal Code and under Section **12** of the Passports Act.

And

In the matter of: Younus Javed Shaikh @ Itusajaved Shaikh
....petitioner.

Mr. S. Lahiri,
Mr. S. Azam

...for the petitioner.

Mr. T. Nandy,
Mr. A. Basu

...for the State.

Learned counsel for the petitioner submits as follows. The petitioner is an Indian citizen and has not committed the alleged offence. The petitioner was purportedly apprehended near the border by the BSF personnel. The prosecution alleged that the petitioner admitted that he was a Bangladeshi national. Accordingly, the present case was started. However, in course of the proceeding, the petitioner produced two identity documents, one an EPIC Card and the other an Aadhaar Card. On 22.01.2021, this Court directed the investigating officer to file a report regarding the authenticity of the two documents. This Court may be pleased to consider the report and decide the application for bail.

Report dated 09.02.2021 prepared by the Investigating Officer of the case as filed on behalf of the State, is taken on record.

Learned counsel for the State submits that although the report regarding the authenticity of the Aadhaar Card is still

awaited, the report as regards the EPIC Card has arrived. According to such report, the EPIC Card of the petitioner as produced by him is genuine. He further submits that a charge-sheet has already been submitted in this case.

Considering the report filed by the investigating agency showing that the EPIC Card belonging to the petitioner is a genuine one and in view of the fact that investigation is complete, I am inclined to allow the application for the bail of the petitioner.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Basirhat, North 24 Parganas, subject to the condition that during bail he shall appear before the learned trial court regularly and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as mentioned hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)