

C.R.M. 1563 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 05.02.2021 in connection with Kaliachak Police Station Case No. 620/2020 dated 14.08.2021 under Sections 14(A)(B)/14(C) of the Foreigners Act and Section 120B of the Indian Penal Code.

And

In the matter of: - Md. Kajirul Hoque @Kajirul Hoque & Anr.

Mr. A. K. Bhowmick ...for the petitioners.

Ms. Zareen N. Khan

Ms. Trina Mitra ...for the State

The petitioners have been charged with an offence punishable under Sections 14(A)(B)/14(C) of the Foreigners Act read with Section 120(B) of the Indian Penal Code. On July 28, 2021, we had directed the Investigating Officer to verify the documents, xerox copies whereof have been annexed to the petition in support of the submission of the petitioners that they are Indian Nationals. A report has been filed in Court. Let the report be kept with the record. From the report we find that the documents are genuine i.e., the petitioners are Indian Nationals.

Accordingly, prima facie, given the nature and gravity of the charge and the material on record we are of the view that immediate custodial interrogation of the petitioners may not be necessary and they may be granted anticipatory bail subject to stringent conditions.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In the event of the petitioners failing to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without reference to this Court.

The application for anticipatory bail being C.R.M. 1563 of 2021 is, accordingly, allowed.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)