

27.04.2021

Ct. 9

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(Via Video Conference)

CRM 2816 of 2021

Subrata Sarkar

-Vs.-

The State of West Bengal

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Swarupnagar P.S. Case No.109 of 2021 dated 28.01.2021 under Sections 14 of the Foreigners Act.

Mr. Kallol Kumar Basu

Mr. Jannat Ul Firdous

..... For the

Petitioner

Mr. Ranabir Roy Chowdhury

Mr. Aniket Mitra

.....For the State

This is an application under Section 439 of the Code of Criminal Procedure filed on behalf of the petitioner who is in jail custody for a period of 90 days.

It is submitted on behalf of the petitioner that the petitioner was apprehended alongwith others by B.S.F. and on interrogation they had informed that they were Bangladeshi Nationals and were trying to cross the

International Border. But having failed to produce the valid documents they were apprehended and put behind the bar. Learned advocate appearing for the petitioner submits that the petitioner has a voter identity card showing his permanent address. He has also annexed Deed of Sale in his favour in respect of certain piece of land and the charge sheet has already been submitted.

Learned Advocate for the State has submitted the report called from the Officer-in-Charge, Swarupnagar Police Station, Basirhat Police District which reflects that the voter identity card of the accused was verified and furnished by the Block Development Officer, Bhatar, Purba Bardhaman stating that the statement in the voter information given are all true as per the statement of the Chief Election Office showing the petitioner as an Indian National having permanent residence of Bhatar Constituency of Radhamohanpur Schooldanga, Purba Bardhaman bearing, EPIC No.LCX2241370 which be kept on record.

Having heard learned advocate appearing for the petitioner through video link and Mr. Aniket Mitra, learned advocate appearing for the State and considering the report of the authority as the petitioner/accused being an Indian National, prima facie, the petitioner be admitted on bail.

Accordingly, I direct the petitioner shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each one of whom has to be local subject to the satisfaction of the learned Additional Chief Judicial Magistrate, Basirhat on condition that he will appear before the learned Trial Court on the date fixed or as directed by the learned Trial Court.

The application for bail is, accordingly, allowed.

Thus, CRM 2816 of 2021 is disposed of.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Shivakant Prasad, J.)