

CRM 3138 of 2021

In re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with Swarupnagar PS Case No. 759/20 dated 16.12.2020, under Section 14 of the Foreigners Act.

In the matter of : **Ashraf Sheikh @ Ashraf Shekh & Ors.**
..... petitioners

Mr. Sumanta Chakraborty
....For the petitioners

Md. Anwar Hossain
Ms. Sreyashee Biswas
.....For the State

A report has been filed today by the Officer-in-Charge, Swarupnagar Police Station. It appears from the said report dated August 17, 2021, that the three Elector's Photo Identity Cards of Ashraf Sheikh alias Ashraf Shekh (petitioner no. 1), Sarfina Seikh alias Sarfina Shekh (petitioner no. 2) and Sharmin Hasan Sekh (petitioner no. 3) were sent for verification to the Election Commission Officer at Surat, Gujrat.

It appears from the said report that the Elector's Photo Identity Cards of petitioner nos. 2 and 3 were mentioned in the relevant record but nothing was found with regard to the Elector's Photo Identity Card of petitioner no. 1.

It is submitted by the State that Elector's Photo Identity Card of petitioner no. 4 could not be verified since no copy of Elector's Photo Identity Card has been annexed to this application for bail.

It appears that out of the six petitioners, petitioner nos. 2, 3, 5 and 6 are already on interim bail in terms of the order dated

June 10, 2021, passed by this Court in this revisional application.

Since it has been found in the report that the Elector's Photo Identity Cards with regard to the petitioner nos. 2 and 3 find place in the electoral roll and the petitioner nos. 5 and 6 are minor (sons of petitioner no. 2 and petitioner no. 1), the interim bail granted on June 10, 2021, is confirmed on the said terms and conditions. With regard to the petitioner nos. 1 and 4, the bail application stands rejected at this stage, they may produce any valid document before the learned trial Court in support of their citizenship seeking their bail and the learned trial Court shall consider their bail application, in accordance with law.

The application being **CRM 3138 of 2021** is disposed of.

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

(Kausik Chanda, J.)