

14.06.2021
Item no.2
Ct. No.42
CHC
(Interim Bail)

**C.R.M. No.3564 of 2021
(Through Video Conference)**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with Basirhat Police Station Case No.1286/20 dated 17.12.2020, under Sections 14/14C of the Foreigners Act.

AND

In the matter of:-

Rabiya Bibi @ Rabeya Bibi
@ Rabeya Biwi
... petitioner

Mr. Sumanta Chakraborty
...for the petitioner

Mr. Ranabir Roy Chowdhury,
Mr. Ashok Das,
Mr. Mainak Gupta
...for the State

The significant feature of this case, as presented by the petitioner that petitioner is an Indian National having her own hearth and home and in support of her citizenship she has collected Voter Identity Card, Ration Card and the Aadhaar Card. The petitioner is in custody since December 17, 2020. Charge-sheet in this case has already been submitted. The prayer for filing supplementary charge-sheet has also been allowed for the prosecution.

Mr. Ranabir Roy Chowdhury, learned advocate representing the State candidly submits that the Voter's Identity Card and Ration Card of the petitioner have already been verified and found to be genuine. The verification of Aadhaar Card is not yet

completed and Mr. Roy Chowdhury proposes for a direction so that the concerned authority may furnish the required information after the necessary verification and authentication of the Aadhaar Card, as seized by I.O. of this case from the petitioner.

Learned advocate for the petitioner challenging the submission of Mr. Roy Chowdhury submits that when Voter's Identity Card and Ration Card have been verified by the investigating agency and found to be genuine, which are sufficient enough to reveal the citizenship right of the petitioner, the petitioner should be favoured with bail.

Learned advocate for the petitioner on this score, claims parity referring the order dated 12th April, 2021 passed in C.R.M.3166 of 2021, whereby another co-accused Tandra Roy was granted interim bail.

When another co-accused has already been released on interim bail upon due verification of Voter's Identity Card and Ration Card, the Court finds no justification to detain the petitioner/accused any more in the custody awaiting verification of Aadhaar Card.

The petitioner **(Rabiya Bibi @ Rabeya Bibi @ Rabeya Biwi)** be released on interim bail till 20th August, 2021, of Rs.10,000/- (Rupees Ten Thousand only) with one surety of like amount, to the satisfaction of Learned Additional Chief Judicial Magistrate, Basirhat, North 24 Parganas, on condition that the petitioner shall stay within the jurisdiction of Basirhat Court upon furnishing the address and the mobile number of the petitioner to

the Investigating Officer of this case as well as to the Court. If the petitioner violates any of the conditions mentioned hereinabove, the interim bail granted shall stand vacated without making any reference to this Court.

Investigating Officer shall endeavour to file supplementary charge-sheet.

Investigating officer is free to verify the Aadhaar Card verification report of the petitioner, Rabiya Bibi @ Rabeya Bibi @ Rabeya Biwi in accordance with the provisions of the law.

C.R.M.3564 of 2021 stands disposed of.

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

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)