

22.09.2021

CRM 4321 of 2021

court no. : 28
Item no. : PB-25
matter : 439
status : REJECTED
transcriber : nandy

In Re:- An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 25.06.2021 in connection with Swarupnagar Police Station Case No. 106 of 2021 dated 27.01.2021 under Section 14 of the Foreigners Act. (G.R. Case No. 394 of 2021)

and

In the matter of: **Baidyanath Sarkar & Anr.**

.....Petitioners

Mr. Sambhunath De, Advocate

Mr. Ranjit Kumar Ghosh, Advocate

.....for the Petitioners

Mr. Rana Mukherjee, Advocate

Ms. Sukanya Bhattacharya, Advocate

Mr. Mirza Firoj Ahmed Begg, Advocate

.....for the State

The petitioners have filed the instant application for bail in connection with Swarupnagar Police Station Case No. 106 of 2021 dated 27.01.2021 under Section 14 of the Foreigners Act.

The petitioners were arrested by the police attached to Swarupnagar Police Station on the allegation that they are Bangladeshi nationals and entered into the Indian territory without valid passport and visa.

It is submitted by the learned Advocate for the petitioners that the petitioners are Indian nationals and they have their valid Aadhar Cards, Voter Cards and their children were born in India and they are studying in a primary school at Taherpur in Krishnanagar. On the date of their arrest they came to the spot to see a programme on account of Republic Day.

Be that as it may, chargesheet has been filed in the instant case. The learned Magistrate has taken cognizance of offence against the petitioner. However, the Investigating Officer did not file any report on verification of the genuinity of Aadhar Cards and other documents filed by the petitioners.

In view of such circumstances, the Investigating Officer is directed to submit a report in respect of the documents filed by the petitioner in the trial Court within October 4, 2021. On submission of such report, the learned Magistrate shall consider the report to come to a finding as to whether charge under Section 14 of the Foreigners Act ought to be framed against the petitioner or not.

At this stage, prayer for bail of the petitioners are **refused**.

The application being **CRM 4321 of 2021** is accordingly **dismissed**.

Parties are directed to act on the server copy of the order.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)

