

20.12.2021.
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(Rejected)

C.R.M. 5399 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Basirhat P.S. Case No.1314 of 2019 dated 24.11.2019 under Sections 14/14C of the Foreigners Act read with Sections 212/120B of the Indian Penal Code.

In the matter of : Md. Asad Ahmad @ Asad Ahmed.
...Petitioner.

Mr. Milon Mukherjee, Id. Sr. Adv.,
Ms. Ankita Bose.
...for the Petitioner.

Ms. Anasuya Sinha,
Ms. Debjani Sahu.
...for the State.

Heard the learned Advocates appearing for the parties.

Petitioner is in custody for more than two years. It is submitted that he was granted refugee status by the French Government. He has been falsely implicated in the instant case.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the petitioner violated the conditions of visa and has been taken into custody. Examination of witnesses are about to commence.

We have considered the materials on record. Admittedly, the petitioner is a foreign national. Whether he has violated the conditions of visa/refugee status requires to be assessed in the course of trial.

However, in view of the status of the petitioner, we are not inclined to grant bail to the petitioner.

We direct the trial court to conclude the trial at an early date preferably within one year from the next date fixed before the said court for recording evidence without granting unnecessary adjournments to either of the parties.

Accordingly, the prayer for bail of the petitioner is rejected.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)