

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

CRM 263 of 2021

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 23.02.2021 in connection with Sahebganj Police Station Case No.265 of 2020 dated 05.07.2020 under Sections 14A/14C of the Foreigners Act.

And

In Re : Shyamali Das

... petitioner.

Mr. Sudip Guha

... for the petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Anirudha Biswas

... for the State.

Learned counsel for the petitioner submits that the petitioner is already in custody for about 252 days. The petitioner was arrested under relevant sections of the Foreigners Act.

Learned counsel for the State strongly opposes the contentions of the petitioner.

The petitioner has annexed to the bail application copies of the ration card and birth certificate of the petitioner which *prima facie* show that the petitioner is an Indian citizen. That apart, since charge-sheet has already been filed, there is reasonable scope of granting benefit of doubt to the petitioner at this stage.

CRM 263 of 2021 is accordingly allowed, thereby granting the petitioner bail on condition that the petitioner will furnish a bond of

Rs.5,000/- with two sureties of like amount each, to the satisfaction of the Additional Chief Judicial Magistrate, Second Court, Dinhata. The petitioner shall not leave the jurisdiction of the trial court during trial. The petitioner shall also attend the trial on every date.

The petitioner shall not issue any intimidation, threat or promise to any person acquainted with the facts of the case to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in the meantime.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)