

24.12.2021
SL No.1
Court No.1
(gc)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 1134 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Naxalbari Police Station Case No.94/21 dated 27.04.2021 under Section 14 of Foreigners Act.

And

In the matter of : **Camara Fofana Ussumane**

- Petitioner.

Mr. Ujjwal Kumar Roy,
... For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.
Mr. Ujjwal Luksom,
Ms. Namrata Das,
... For the State

The petitioner is a foreign national. Due to Covid-19 Pandemic, he could not leave the country, however, in terms of the circular of Ministry of Home Affairs, Indian Visa or stay stipulation period of foreign nationals in India due to Covid-19 Pandemic was to be considered as it may be valid till 30th September, 2021, his stay in India was valid till such date. Notwithstanding such extension, he was arrested during the aforesaid period. Three foreign nationals similarly placed based on the said circular were discharged from the case under Section 227 of the Code of Criminal Procedure and were set at liberty at once and with a direction to leave the country without delay observing all legal duties.

Considering the materials available in the case diary and the materials on record, I think further incarceration of the petitioner is not required. Accordingly, he is granted bail.

Accordingly, we direct that the petitioner, namely, **Camara Fofana Ussumane**, shall be released on bail upon furnishing a bond of Rs.5,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri.

While furnishing the surety bond, the Trial Court may not insist for the landed property in the event NSC and/or other securities are furnished in lieu of such landed property to the satisfaction of the learned Trial Court.

The information sought for by the Investigating Officer shall be furnished by the Foreigner Registration Office within a week from the date of communication of this order and such information shall be shared with the petitioner as well as with the Trial Court so as to enable him to take appropriate steps in accordance with the law for his exit from India.

The application for bail, being CRM No.1134 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J.)