

29.03.2022

Serial no. 07

Srimanta

Ct. No. 42

(Through Video Conference)
CRM (SB) 15 of 2022

In re : An application for bail under Section **439** of the Code of Criminal Procedure, 1973 in connection with Swarupnagar Police Station Case No. **947** of **2021** dated 08.11.2021 under Sections **14** and **14C** of the Foreigners Act.

And-

In the matter of : **Nargis Sk. @ Nargis Shafik Shaikh @ Nargis Shaik Shaikh** ... **Petitioner.**

Mr. Atarul Hoque Molla, Adv.,
Mr. Ali Ahsan Alamgir, Adv.,
Ms. Riya Das, Adv.,
Ms. Rabia Khatun, Adv.

...for the Petitioner.

Mr. Swapan Banerjee, Adv.,
Mrs. Purnima Ghosh, Adv.

...for the State.

On the basis of the order dated 11th March, 2022 two persons, namely, Nizam Zahiruddin Shaikh and Sudhir Dattatraya Shinde, residents of Pune filed affidavits stating, *inter alia*, that the petitioner is a permanent resident of Pune. In the order dated 11th March, 2022 it was recorded that the petitioner submitted Aadhar Card, Voter's Identity Card etc. in order to prove her permanent residency at Pune, Maharashtra.

It is the case of the prosecution that the petitioner was apprehended while crossing the international border of India and Bangladesh illegally. In the instant case, charge-sheet has been submitted. It is pointed out by the Learned Advocate for the petitioner that out of three accused persons two accused are enlarged on bail. The petitioner is in incarceration for about 150 days. Therefore, she may be released on bail.

Learned Public Prosecutor-in-Charge has raised objection against the prayer for bail.

Having heard the Learned Counsels for the petitioner and the State respondent and on perusal of the documents filed by the petitioner as well as the affidavits filed by two independent persons and also considering the fact that out of three accused persons two were granted bail, I am inclined to grant bail to the petitioner. The petitioner is enlarged on bail of Rs.10,000/-(Rupees Ten Thousand) with one surety of like amount to the satisfaction of the Learned Additional Chief Judicial Magistrate, Basirhat with further condition that the petitioner shall file an affidavit stating her present address and mobile phone number, if any, before the Learned Court below with further condition that she must be present during trial of the case. If the petitioner violates any of the above conditions, the bail granted by this Court shall be cancelled without further reference to this Court.

The instant application is, thus, **disposed of**.

(Bibek Chaudhuri, J.)