

07.03.2022

Ct. No. 42

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Sc

CRM (SB) 18 OF 2022

Hasan Shekh @ Shaikh Hasan

vs.

The State of West Bengal

(VIA VIDEO CONFERENCE)

In Re : Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Swarupnagar Police Station Case No. 759 of 2020 dated 16.12.2020 under Section 14 of the Foreigners Act, 1946, filed on 25th January, 2022.

Mr. Susnigdho Bhattacharyya

..... For the Petitioner

Mr. Arijit Ganguly

Mr. Avik Ghatak.

..... For the State

In pursuance to an order dated 18th February, 2022, the Officer-in-Charge, Swarupnagar Police Station submitted a report stating, *inter alia*, that the authenticity of the EPIC Card of the petitioner could not be verified though it was said to the concerned authority in the State of Gujarat, where the name of the petitioner stands as a voter.

On perusal of the order-sheet it is ascertained that the Officer-in-Charge, Swarupnagar Police Station has failed to verify genuineness of the voter identity card. The learned advocate for the petitioner has submitted the photostat copy of the Voters' List of Olpad Assembly Constituency at Gujarat. On perusal of the said Voters' List it is found that the name of the petitioner stands in serial no. 59.

Learned Public Prosecutor in charge, has raised objection against the prayer of bail and prays for further fifteen days' time to produce the report of authenticity of the voter identity card.

By an order dated 26th August, 2021 some other accused persons were granted interim bail on the ground that their names appear in the Electoral Roll of Olpad Assembly Constituency at Gujarat.

On the same ground, the petitioner is enlarged on interim 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 he shall not move away from the territorial jurisdiction of the learned Additional Chief Judicial Magistrate, Basirhat until further orders. He will also file an affidavit stating the residential address, phone number and other details of where he is residing on bail to the Officer-in-Charge, Swarupnagar Police Station.

Accordingly, application for bail is allowed and CRM (SB) 18 of 2022 is disposed of.

The report be kept in the record.

(Bibek Chaudhuri, J.)