

28.02.2022

Item No.04

suman

Ct.42

(Via Video Conference)

CRM (SB) 21 of 2022

In Re: An application for bail under Section 439 of Criminal Procedure Code.

And

In the matter of: **Sabeena Begum @ Sabina Begum**
Vs.
The State of West Bengal

Md. Safiur Rahaman
Mr. Sourav Paul
...for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty
..for the State

The petitioner being booked for committing offence under Section 14/14C of the Foreigners Act is in custody for 128 days. In support of her bail, learned advocate for the petitioner submits that she is an Indian citizen and she possesses valid Aadhar Card, PAN Card and Marriage Certificate etc.

A report was called for from the Investigating Officer for ascertaining authentication of the said documents filed by the petitioner.

The learned P.P.-in-Charge has filed a report submitted by the Investigating Officer of this case. On

perusal of the said report it is found that the marriage certificate submitted by the petitioner is forged. The Marriage Registrar was examined and he specifically stated that the marriage certificate of the petitioner was not issued from his office and the said certificate is false and fabricated. So far as other documents are concerned, it is submitted by the Investigating Officer that the petitioner somehow managed to obtain the same but she is a Bangladeshi national. Her children, parents and husband are residing at Bangladesh and she even used to visit Bangladesh illegally to see them.

In view of such report there is prima facie material that the petitioner is a Bangladeshi national. If she is enlarged on bail, automatically the offence under the Foreigners Act will be continued to be committed because a foreign national without valid passport and visa cannot land on the free land of this country.

Considering such aspect of the matter the prayer for bail is **rejected**.

The report be kept with the record.

The application is, thus, disposed of.

(Bibek Chaudhuri, J.)

