

05.05.2022

Sl. No. 04

Srimanta

Ct.No. 42

CRM (SB)/54/2022

In Re : An application for bail under Section **439** of the Code of Criminal Procedure, 1973 in connection with **Swarupnagar** Police Station Case No. **32/2022** dated **12.01.2022** under Section **188** of the Indian Penal Code, 1860, Section **12** of the Passport Act, 1967 and under Section **14** of the Foreigners Act, 1946.

In the matter of : **Sarif Hossian @ Musharraf Hussain**
...petitioner.

Mr. Satadru Lahiri, Adv.,
Mr. Safdar Azam, Adv.

...for the petitioner.

Mr. Ranabir Roy Choudhury, Adv.,
Mr. Sandip Chakraborty, Adv.

...for the State.

Heard the Learned Advocates appearing for the parties.

It is submitted on behalf of the petitioner that the petitioner entered into the land of this Country on the basis of a valid VISA issued by the Republic of France. The copy of the passport is annexed herewith. On perusal of the passport it is found that the petitioner was granted refugee status by the French Government. It is further submitted by the Learned Counsel for the petitioner that the petitioner validly entered into this Country on the strength of the VISA issued by the French Government. Therefore, on completion of the period mentioned in the VISA he has the right to return to France from this Country. However, as he is in custody it is not possible for him to return to France. Thus, the petitioner has prayed for his release on bail.

Learned Public Prosecutor-in-Charge opposes the prayer for bail on the basis of a report submitted by the

Investigating Officer. The Investigating Officer also collected confidential report about the status of the petitioner in this Country. It is found from the said report that at present he is a person of unspecified nationality, whereas previous nationality has been mentioned as Arakan, Myanmar.

I have carefully perused the documents filed by the petitioner as well as the instant report. Admittedly, the petitioner is a foreign national. Whether he is violated the conditions of VISA/refugee status requirements be assessed in course of trial. At this stage, in view of the status of the petitioner I am not inclined to release him on bail. Prayer for bail is thus, **rejected**.

The instant application is accordingly **disposed of**.

(Bibek Chaudhuri, J.)