

20.04.2022

Sl. No. 04.

Mithun.

Ct.No.42.

CRM(SB)/56/2022

(Via Video Conference)

Ruma @ Roomi Begum

Vs.

The State of West Bengal.

In re: An application under Section 439 of the Code of Criminal Procedure, 1973 , an order dated 3rd March, 2022 passed by the learned Additional Chief Judicial Magistrate, North 24-Parganas at Bongaon rejected the prayer for bail of the petitioner in connection with Bagdah Police Station Case No.127 of 2022 dated 14.02.2022 under Section 14 Foreigners Act corresponding G.R.Case No.463 of 2022.

Mr.Subhojyoti Chandra, Adv.

...for the petitioner .

Mr. P.K.Datta, APP.

Mr. Santanu Deb Roy, Adv.

... for the State.

The petitioner was booked for committing offence under Section 14 of the Foreigners Act. The Investigating Authority has already filed charge sheet against the petitioner. In order to prove her citizenship of this Country, the petitioner has filed Voter Identity Card, Aadhar Card and Ration Card. It is submitted by the learned Advocate for the petitioner that the said documents irresistibly proved that she is a citizen of India.

Learned Public Prosecutor-in-Charge on the other hand, has submitted a report filed by the Investigating Officer of this case and raised strong objection against the prayer for bail. The Investigating Officer has verified the EPIC Card and the corresponding Voters List of Patpargang

Assembly Constituency. The petitioner stated her name before the Investigating Officer as Ruma Begum, wife of Lutfar Shekh. The EPIC card shows that the said EPIC card stands in the name of Roomi, wife of Alam Shekh. This Court does not dispute that a person may be known by two names, like Ruma and Roomi. But the name of the husband must correspond with the name of the concerned voter. In the instant case, the name of the husband also differs.

Ration Card is not a document of citizenship.

Considering discrepancy appearing in the Voters Identity Card, which is relied upon by the petitioner, this Court is not inclined to release her on bail.

Prayer for bail is, thus, **rejected**.

The report submitted by the Investigating Officer be kept with the record.

(Bibek Chaudhuri, J.)