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It is not in dispute that charge sheet has been submitted in respect of the above mentioned police case and the case is pending for trial before the

learned Judicial Magistrate, 2nd Court at North 24 Parganas.

It is submitted by Mr. Tewari that so far as offence under Sections 498A/325 of the Indian Penal Code, custodial trial is not necessary. Moreover, Mr. Tewari refers to Annexure P-1 at page 10 of the application for bail. On perusal of which it is ascertained that the de facto complainant herself filed a case for divorce against one Samir Dutta and the said Criminal Suit being No.720 of 2015 was decreed on 5th December, 2017. It is the case of the de facto complainant that her marriage with the petitioner was solemnized on 15th August, 2014. However, on 15th August, 2014 the de facto complainant was the legally married wife of one Samir Dutta. Therefore, there cannot be any matrimonial relation between the petitioner and the de facto complainant established on and from 15th August, 2014. There is absolutely no material in the case diary in support of the allegation under Sections 3 and 4 of Dowry Prohibition Act except some statement recorded by the Investigating Officer under Section 161 of the Code of Criminal Procedure. With regard to the allegation under Section 14 of the Foreigners Act, this Court may record that the petitioner was implicated under Section 14 of the

Foreigners Act in two other cases. The petitioner moved an application for bail against his detention in the said two cases and the prayer for bail was allowed in CRM (SB) 63 of 2022 and CRM (SB) 64 of 2022 on the basis of the report submitted by the Investigating Officer.

In the instant case the petitioner relies upon his Aadhaar Card, Voter's Identity Card, PAN Card, trade licence, bank statement and ration card to prove his citizenship of this country. The same set of documents were filed in CRM (SB) 63 of 2022 and CRM (SB) 64 of 2022. In both the cases the Investigating Officer submitted his report. It is ascertained from the said report that during investigation of this case and above mentioned two other cases the prosecuting agency unilaterally cancelled the Voter's Identity Card of the petitioner without considering the provision of Section 22 of the Representation of People's Act. It is also ascertained from the report that ration card of the petitioner is genuine but it was subsequently cancelled as during custodial detention the petitioner could not collect his ration. The Aadhaar Card was found to be genuine. PAN Card of the petitioner could not be verified.

Learned P.P.p-in-charge has prayed for accommodation for verification of the documents relied upon by the petitioner.

This Court is of the view that when report of the Investigating Authority has already been received by this Court in respect of the same set of documents which the petitioner relied on and the Court granted bail to the accused, the same order should follow in the instant case.

The petitioner is enlarged on bail of Rs.10,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Barasat with further condition that if on bail, he shall attend the trial of the case on regular basis till the disposal of the trial in the Court below.

The application is, thus, disposed of.

(Bibek Chaudhuri, J.)