

18.05.2022

Sl. No. 01

Srimanta

Ct.No.42

CRM (SB)/82/2022

(Via Video Conference)

In Re : An application for bail under Section **439** of the Code of Criminal Procedure in connection with **Basirhat** Police Station Case No. **84/2022** dated **13.02.2022** under Section **14/14C** of the Foreigners Act, 1946.

In the matter of : **Sariful Ali Kayal & Ors.**

...petitioners.

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

...for the petitioners.

Ms. Faria Hossain, Adv.,
Mr. Anand Keshari, Adv.

...for the State.

Having heard the Learned Advocates for the petitioners and the Learned Public Prosecutor-in-Charge and on due consideration of the report submitted by the Investigating Officer of this case, it is ascertained that the Chairman, Barasat Municipality submitted a report to the Investigating Officer stating, *inter alia*, that the birth certificate of Sariful Ali Kayal is genuine. Therefore, *prima facie*, it can be held that Sariful is a citizen of this country by birth. With regard to petitioner no. 2, it is also ascertained that the birth certificate submitted by her is found to be genuine. Accordingly, she is also held to be the citizen of India by birth. In respect of petitioner no. 3, the Investigating Officer has reported that Epic Card of the petitioner no. 3 is genuine and her Ration Card issued by the appropriate authority of the State is also found to be active.

Therefore, they are entitled to be released on bail. The petitioners be enlarged on bail on furnishing bond of Rs.10,000/-(Rupees Ten Thousand) each with one surety of like amount each to the satisfaction of the Learned Additional Chief Judicial Magistrate, Basirhat. On that that they will submit their present address and mobile phone number, if any, by swearing an affidavit to the Officer-in-Charge of the jurisdictional Police Station so that they can be traced out during trial. The petitioners are also directed to be present on each date of trial before the Trial Court during hearing of the case.

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

(Bibek Chaudhuri, J.)