

10.05.2022

Sl. No.05.
Mithun
Ct.No.42.

CRM (SB)/90/2022

(Via Video Conference)

In re: An application under Section 439 of the Code of Criminal Procedure, 1973 in connection with Swarupnagar Police Station Case No.383 of 2022 dated 15.04.2022 under Sections 14 of the Foreigners Act, 1946 (corresponding to G.R.Case No.1463 of 2022).

In the matter of : **Kalu Kundu.**

...petitioner.

Mr. Atarul Hoque Molla, Adv.
Mr. Ali Ahsan Alamgir, Adv.
Ms. Riya Das, Adv.
Ms. Rabia Khatoon, Adv.

...for the petitioner.

Mr. Saibal Bapuli, Adv,
Mr. A.Bhattacharyya, Adv.

...for the State.

Allegation against the petitioner is that on 15th April, 2022 at dead hours of night, the petitioner was apprehended by BSF personnel near Hakimpur Check Post while he was moving towards the Indian side from Bangladesh Side. On being asked he could not produce any legal documents of his identity and he allegedly confessed that he is Bangladeshi national. The petitioner has filed series of documents in order to prove his citizenship of this Country.

It is pointed out by the learned Public Prosecutor-in-Charge producing the case diary that the B.D.O., Barasat-I Development Block has submitted a report on the basis of

query made by the Investigating Officer that the petitioner is bona-fide voter of 119, Barasat Assembly Constituency and he is a permanent resident of Barasat.

In view of such report, I can prima facie hold that the petitioner is an Indian Citizen and Section 14/14C of the Foreigners Act is not applicable against the petitioner.

Accordingly, the petitioner is enlarged on bail of Rs.10,000/- with one surety of like amount to the satisfaction of the learned Additional Chief Judicial Magistrate, Basirhat with further condition that if on bail, he must meet the Investigating Officer once in a month till submission of charge-sheet or until further order, whichever is earlier.

(Bibek Chaudhuri, J.)