

17.06.2022

Item No.4.

Mithun

Ct.42

CRM (SB) 101 of 2022

In the matter of : Ritan Nandy @ Biplab Nandy.

... petitioner.

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with G.R. Case No. 1724 of 2022 arising out of Swarupnagar Police Station Case No.436/2022 dated 29.04.2022 under Section 14 of the Foreigners Act.

Mr. Angshuman Chakraborty, Adv.

Mr. Shashanka Sekhar Saha, Adv.

...for the petitioner.

Mr. S.S. Imam, Adv.

Mr. R,Jana Adv.

...for the State.

The accused was arrested in connection with Swarupnagar Police Station Case No.436/2022 dated 29.04.2022 under Section 14 of the Foreigners Act. In the application for bail under Section 439 of the Code of Criminal Procedure, the petitioner has stated his residential address as Vivekanandapur Nagar, Post Office – East Udayrajpur, Madhyamgram (m), District – North 24 Parganas. At the time of moving the application for bail, the petitioner has produced voters identity card to prove that he is a bonafide voter and his name has been enrolled in the 165, Jorsanko Assembly Constituency. In the voters list of the petitioner, the address of the petitioner is written as 56, Baithak Khana Road, Kolkata – 700 009. However,

the Electoral Registration Officer on the basis of the requisition submitted by the Investigating Officer held spot enquiry but did not find any such premises. He also did not find any inhabitant, named Ritan Nandy in the vicinity of Baithak Khana Road. Therefore, name appearing in the electoral roll of the Jorasanko Assembly Constituency is presumed to be false. From the report as to the genuinity of the name of the petitioner, it is found that the ration card was genuine. However, ration is not a prove of citizenship.

In view of the report submitted by the Electoral Registration Officer, 165-Jorasanko Assembly Constituency, I am not in a position to release the petitioner on bail. Prayer for bail of the petitioner is, thus, **rejected.**

Report be kept with the record.

(Bibek Chaudhuri, J.)