

24.06.2022

Item No.66
SB

C.R.M. (SB) 133 of 2022

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Swarupnagar Police Station Case No. 32 of 2022 dated 12.01.2022 under Section 14 of the Foreigners Act, 1946.

And

In Re : **Musharaf Hussain @ Sarif Hossain**

... Petitioner

Mr. Anjan Bhattacharya

... For the Petitioner

Mr. S.S. Imam

Mr. S. Kundu

... For the State.

It is submitted on behalf of the learned advocate for the petitioner that the petitioner is a French National and he has filed a valid passport and visa but in spite of that he has been illegally apprehended and is in custody since 12.1.2022. He further submits that investigation has already been ended in charge-sheet and as such if he is released on bail on any terms and conditions, he will appear before the court to face the trial. His further detention is not at all required.

Learned advocate for the State submits that while the petitioner along with other six persons were trying to cross Indian border illegally, they were apprehended. The charge-sheet has already been submitted and the prayer for bail of the present petitioner was rejected by a co-ordinate bench of this court on 5.5.2022, after considering all the documents submitted by the petitioner. He further submits on behalf of

the State that no new circumstances has arisen after aforesaid rejection order to reconsider his prayer for bail and if he is released on bail, there is every likelihood of evading the trial by the petitioner.

Considered the submissions made by both the parties. In view of the facts and circumstances of the case, and that if the petitioner is released on bail, there is serious chance of his abscondance and that investigation has already been ended and the case is ready for trial and as such I am not inclined to grant the prayer for bail of the present petitioner at this stage. Accordingly, the prayer for bail of the present petitioner is considered and rejected.

The application for bail, being CRM (SB) 133 of 2022, is, thus, rejected.

However Learned Trial Court is requested to expedite the trial and to conclude the trial preferably within a period of six months.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Ajoy Kumar Mukherjee, J.)