

15-07-2022
Subha
Item no.19
Bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 139 of 2022

Sudipta Samaddar
-vs-
The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with Swarupnagar P.S. Case No.196 of 2022 dated 06.03.2022 under section 188 of Indian Penal Code read with S.14 of the Foreigners Act, 1946 and S.12 of the Passports Act, 1967.

Mr. Ali Ahsan Alamgir
Mr. Atarul Haque
Ms. Riya Das
Ms. Rabia Khatoon

...for the petitioner.

Mrs. Anasuya Sinha
Mr. Pinak Kumar Mitra

... for the State.

Learned advocate for the petitioner submits that the petitioner is in custody for 129 days and after completion of investigation, the Investigating Agency has submitted chargesheet under Section 188 of the Indian Penal Code and Section 12 of the Passports Act, 1967.

Mrs. Sinha, learned advocate appears on behalf of the State, opposes the prayer for bail and draws the attention of this court to different statements recorded by the Investigating Officer in course of the investigation.

I have perused the case diary and I find that the charges under Section 14 of the Foreigners Act have been dropped against the present petitioner. Having regard to the same, I am of the opinion that further detention of the present petitioner is unwarranted in the facts and circumstances of the present case. Accordingly, the prayer for bail of

the present petitioner is allowed.

Accordingly, the petitioner is directed to furnish a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Basirhat, North 24 Parganas.

If on bail, the petitioner shall abide by the following conditions:-

1. *The petitioner shall intimate the place of his residence to the Officer-in-Charge of Basirhat Police Station. It is directed that the Officer-in-Charge, Ashokenagar Police Station would conduct an enquiry for the next six months for at least once a week for ascertaining the presence of the present petitioner at the address which would be furnished before the ld. A.C.J.M, Basirhat and send a report to the ld. A.C.J.M, Basirhat.*
2. *The petitioner shall attend the Office of the learned Additional Chief Judicial Magistrate, Basirhat and obtain an acknowledgement from the concerned Officer once in a fortnight irrespective of the fact whether any date has been fixed by the court or not for the purposes of this case.*

The aforesaid conditions so imposed would continue for the next six months.

The Petitioner is granted liberty to pray for modification after a period of six months from the date of his release.

With the aforesaid observations, the application for bail, being CRM (SB) 139 of 2022 is disposed of.

The report of the ASI, Swarupnagar P.S, Basirhat PD submitted through the learned advocate appearing for the State be kept with the record.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]