

22.09.2022
S/L No.1
KS

C.R.M.(SB) 190 of 2022

Makhan Lal Kundu

-Vs.-

The State of West Bengal

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Swarupnagar** P.S. Case No.317 of **2022** dated **03.04.2022** under Section **188** of the Indian Penal Code and Section **12** of Passport Act and Section **14** of the Foreigners Act.

Mr. Anghsuman Chakraborty

Mr. S. S. Saha

..... For the Petitioner

Mr. Tanmoy Kumar Ghosh

Ms. Sonali Bhar

.....For the State

Mr. Chakraborty, learned advocate appearing for the petitioner submits that the petitioner is in custody for about 175 days and the investigation of the case has already been concluded. He further submits that the wife of the present petitioner happens to be an Indian and as the petitioner's parents expired during his childhood, he does not have substantial documents to establish himself as an Indian citizen. Pursuant to direction of this Court the statements under Section 164 of the Code of Criminal Procedure in respect of the Marriage Registrar, witness and the brother of the wife was recorded. According to the brother of the wife, the petitioner about 18 years is staying in India.

Report so submitted by State be kept with the record.

Having regard to the fact that the wife of the petitioner is an Indian and the report submitted before this Court do not reflect that any

of the documents submitted were forged, I am inclined to release the petitioner on bail.

Accordingly, the petitioner would be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) 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.

The following conditions should be complied with by the petitioner after being released on bail.

1. The petitioner shall furnish his address to the Investigating Officer of the case where he would be residing and the same address should be furnished to the Court.
2. The said address should not be outside the jurisdiction of Swarupnagar Police Station.
3. An officer should be engaged by the Officer-in-Charge of Swarupnagar Police Station who would once in a week check the presence of the petitioner and submit a report before the Learned Additional Chief Judicial Magistrate, Basirhat.
4. The petitioner shall not leave the jurisdiction till the proceedings before the Learned Magistrate is complete.
5. The petitioner shall once in a fortnight attend the office of the Learned Additional Chief Judicial Magistrate, Basirhat and obtain acknowledgment till further order of this Court.

Accordingly, the prayer for bail of the petitioner is allowed.

Thus, C.R.M.(SB) 190 of 2022 is disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

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

(Tirthankar Ghosh, J.)