

02.02.2022
Court No.32
Item No. 273
Avijit Mitra

C.R.M. 7643 of 2021 (Through video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Hili Police Station Case No.183 of 2021 dated 18.08.2021 under Section 1A(b) of Foreigners Act, 1946;

And

In Re : Kalipada Saha @ anr.

.... petitioners

Mr. Subrata Saha

...for the petitioners

Ms. Anasuya Sinha,

Mr. Pinak Kumar Mitra

...for the State

Heard learned lawyer for the petitioners. Perused the case diary. The petitioners are implicated under Section 14A(b) of the Foreigners Act.

The learned lawyer for the petitioners, earlier, produced copies of PAN cards, Aadhaar cards and deed of property, copies of which were handed over to the Investigating Officer for verification.

Today the learned lawyer for the petitioners reiterated that the present petitioners are citizens of India and the instant prosecution has been slapped upon them falsely only to harass. On this score, bail is prayed for.

The learned lawyer representing the State produced a report of the Income Tax Authority wherein the PAN cards are stated to be genuine. However, the learned lawyer representing the State opposes the bail application.

We have heard rival submissions and perused the case diary. It appears that the petitioners are in custody for about 170 days. Chargesheet has been filed on completion of investigation. It appears *prima facie* that on verification of the PAN cards PAN cards are certified to be genuine by the Income Tax department. Verification certificates of other documents are yet to come. However, considering the period of detention and the fact that investigation is over, we are inclined to allow the bail to the present petitioners.

Accordingly, we allow this application and direct that the petitioners, namely **Kalipada Saha and Maharani Saha**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Chief Judicial Magistrate, Balurghat, Dakshin Dinajpur with a further condition that the petitioners shall not leave the jurisdiction of Ranaghat Police Station save and except attending the learned Court, without the permission of the Inspector-in-Charge of the Ranaghat Police Station.

The petitioners shall attend the learned Court below on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel their bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No. 7643 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)