

27.01.2022

Sl. No. 04.

Mithun

Ct.No.42.

CRM 8297 of 2021

(Via Video Conference)

In re: An application under Section 439 of the Code of Criminal Procedure, 1973 , against an order dated 17th November, 2021 passed by the Court of the learned Additional Sessions Judge, 6th Court, Basirhat, North 24-Parganas in connection with G.R. Case No.5407 of 2020, arising out of Swarupnagar Police Station Case No.759 of 2020 dated 16th December, 2020 under Section 14 of the Foreigners Act.

In the matter of : **Ashraf Sheikh @ Ashraf Shekh & Anr.**

...Petitioner.

Mr. Susnigdho Bhattacharyya, Adv.

... for the petitioner.

Mr.Arijit Ganguly, Adv.

Mr. Avik Ghatak, Adv.

...for the State.

The petitioner was booked for committing offence under Section 14 of the Foreigners Act in connection with Swarupnagar Police Station Case No.759 of 2020, corresponding to G.R. Case No.5407 of 2020. A prayer for bail was rejected lastly by the Additional Sessions Judge, 6th Court at Basirhat.

It is submitted by the learned Advocate for the petitioner that the petitioner submitted voter identity card, PAN card and Aadhar card issued in his name to the learned Court below at the time of hearing of the petition for bail but without ascertaining authenticity of the said documents, his prayer for bail was rejected.

He also submits that vide order dated 23rd December, 2021, this Court directed the learned Public Prosecutor-in-Charge to obtain a report regarding genuineness of EPIC card, Aadhar card and PAN card from the concerned Authority.

A report is submitted by Mr. Ganguly, learned Public Prosecutor-in-Charge. It is found from the said report that the petitioner was a voter of 155 Olpad Assembly Constituency. However, when the Police Authority went to verify his address they found that the residence mentioned in the EPIC card was sold out to some other person. The petitioner does not reside there. Therefore, his name in the voter card is lapsed. No report with regard to the PAN card is submitted by the Police Authority.

It is needless to say that PAN card is not a document of citizenship. When the name of the petitioner is lapsed in the voter list of 155, Olpad Assembly Constituency and when it is reported that he does not reside in the address mentioned in the Aadhar card, I am not inclined to release the petitioner on bail in a case under Section 14 of the Foreigners Act at this stage.

Prayer for bail is considered and rejected.

Report be kept with the record.

(Bibek Chaudhuri, J.)