

26.08.2022.
20.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2874 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Swarupnagar P. S. Case No.770 of 2022 dated 05.08.2022 under Sections 14A(b)/14(c) of the Foreigners Act and Section 12 of the Passport Act.

In the matter of : Suvo Howlader.

.... Petitioner.

Mr. Sabir Ahmed,
Mr. Atarul Hoque Molla.

...for the Petitioner.

Mr. Bidyut Kr. Roy,
Ms. Rita Datta.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Learned Advocate appearing for the petitioner submits he is a German citizen. He entered India with a valid Visa but was arrested. He is in custody for about 17 days.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner though a foreign national had entered into the country with a valid Visa. There is no allegation that he had violated the conditions of the Visa granted to him.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall be released on bail upon furnishing 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-Paraganas subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

In view of the aforesaid circumstances, we also gave liberty to the petitioner to pray for extension of his Visa before the appropriate authority in accordance with law.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)