

07.02.2022

Sl. No. 04.
Mithun
Ct.No.42.

CRM 8514 of 2021

(Via Video Conference)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Swarupnagar Police Station Case No.723 of 2021 dated 19.08.2021(G.R. No.3623/2021) under Section 188 of the Indian Penal Code and Section 12 of P.P. Act & 27(b) of Drug & Cosmetic Act & 14 of Foreigners Act.

In the matter of : **Samima Rafikul Sardar @ Samima.**

...Petitioner

Mr. Kallol Kumar Basu, Adv.
Md. Jannat Ul Firdous, Adv.

...for the petitioner.

Mr. Ranabir Roy Chowdhury, Adv.
Mr. Ashok Das, Adv.

...for the State.

This is an application for bail by way of renewal filed on behalf of the accused against whom charge-sheet has been submitted under Section 14 of the Foreigners Act and Section 27(b) of Drug & Cosmetic Act under Section 14 of the Foreigners Act.

It is on record that the charge sheet has been submitted in the instant case. A Co-ordinate Bench of this Court directed the Investigating Officer to verify the EPIC Card of the accused and the death certificate of the husband of the accused and submit a report before this Court.

The learned Public Prosecutor-in-Charge has submitted a report along with the report of the Investigating Officer.

It is found from the report of the Investigating Officer that he visited the city of Kalyan in the State of Maharashtra and verified the EPIC Card of the petitioner issued by the concerned Authority. He also verified the death certificate of Rafikul Sardar @ Rafikul Abdul Khalek Sardar, deceased husband of the accused/petitioner.

It is opined by the Investigating Officer that both the documents are genuine. Since the EPIC Card of the petitioner is found to be genuine and she is in custody for 172 days, charge sheet being filed, I am not interested to detain her in custody pending trial of the case.

The petitioner is enlarged on bail of Rs.20,000/- with two sureties of Rs.10,000/- each, one of whom must be a local surety where she is at present residing with further condition that if on bail, she will attend the Trial Court once in a month till the disposal of the case to the satisfaction of the learned Additional Chief Judicial Magistrate, Basirhat.

If the petitioner violates any of the above conditions, her prayer for bail shall be rejected.

The report submitted by the Investigating Officer through the Prosecution be kept with the record.

(Bibek Chaudhuri, J.)