

10.02.2022

Sl. No. 01.

Mithun

Ct.No.42.

CRM 8517 of 2021

(Via Video Conference)

In the matter of : **Prabha Biswas.**

...Petitioner

Mr. Kallol Kumar Basu, Adv.

Md. Jannat Ul Firdous, Adv.

Ms. Titni Majumdar, Adv.

...for the petitioner.

Mr. Prasun Kumar Dutta, A.P.P.

Mr. Subrato Roy, Adv.

...for the State.

While granting ad interim bail to the petitioner on 16th December, 2021, a Co-ordinate Bench of this Court directed the Officer-in-Charge, Duttapukur Police Station to assess the authenticity of the EPIC card and Aadhar card of the petitioner through the Investigating Officer or a competent officer deputed by him. In compliance of such direction, a report has been filed through the learned Public Prosecutor, High Court, Calcutta by the Officer-in-Charge, Duttapukur Police Station. The Inspector-in-Charge of Swarupnagar Police Station also submitted another report which is similar to the report submitted by the Officer-in-Charge of Duttapukur police station. On perusal of both the reports, it is found that the petitioner possesses original Aadhar card, Her name appeared

in the voter list of 2019. However, in the voter list of 2021-22, her name was deleted. The local Panchayat Pradhan submitted a report that she is a permanent resident of village Netajipally under West Khilkapur Gram Panchayat. She has also submitted birth certificate of her son. On perusal of which it is found that the said child was born in Indian Territory. Considering all such documents and report, interim bail granted on 16th December, 2021 is confirmed.

However, it is open for the Prosecution to challenge the identity of the petitioner as well as the documents filed by her during the trial of the case. The observation made hereinabove is absolutely tentative only for the purpose of disposing of the application for bail.

The learned Trial Judge is directed to take independent decision on the basis of the evidence on record that being swayed over the observation made by this Court in any way.

The application, is, thus, **disposed of.**

The report be kept with the record.

(Bibek Chaudhuri, J.)