

07.11.2022.
21.
as
(Partly
Allowed)

C.R.M. (DB) 3114 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.809 of 2022 dated 16.08.2022 under Section 14A(b)14C of the Foreigners Act read with Section 12 of the Passport Act and Section 188 of the Indian Penal Code.

In the matter of : Fatema Bibi & Ors.

.... Petitioners.

Mr. Ali Ahsan Alamgir,
Mr. A. H. Molla,
Ms. Rabia Khatoon.

...for the Petitioners.

Mr. Neguive Ahmed, Id. A.P.P.,
Mr. Iqbal Kabir.

...for the State.

Report is placed on record.

From the report it appears that the documents of petitioner Nos.1 and 2 are genuine but that of petitioner no.3 are not genuine. Unfortunately, petitioner no.1 has passed away.

Hence, the application for bail so far as the petitioner no.1 is concerned is dismissed as infructuous.

In the light of the aforesaid report and the nature of allegation, we are inclined to grant bail to the petitioner No.2.

Accordingly, the petitioner No.2 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 No.2 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.

However, in view of the aforesaid report, we are not inclined to grant bail to the petitioner no.3.

Accordingly, the prayer for bail of the petitioner no.3 is rejected.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)