

16.09.2022
Sl. No.15
akd
[ALLOWED]

C. R. M. (DB) 3125 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.09.2022 in connection with Basirhat Police Station Case No. 292 of 2022 dated 10.05.2022 under Section 14 of the Foreigners Act.

And

In Re: ***Shabak Gharami***

... .. Petitioner

Mr. Kallol Kumar Basu
Md. Jannat-ul-Firdous
Ms. Tithi Majumder

... .. for the petitioner

Mr. Tanmoy Kr. Ghosh .. Sr. Govt. Advocate
Ms. Sonali Bhar

... .. for the State

It is submitted on behalf of the petitioner that he is an Indian citizen. He relies on Voter's Identity Card and Aadhaar Card in support of his contention.

Report is placed on record with regard to the authenticity of the documents. It appears from the report name of the petitioner has been entered in the electoral rolls for the last three years. Though it is contended that relevant documents submitted at the time of issuance of EPIC card are not available, nothing is placed on record to show that the name of the petitioner has been struck out from the electoral rolls till date.

In view of the aforesaid circumstances and the nature of accusation, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to condition.

Therefore, the accused/petitioner, namely ***Shabak Gharami***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten

thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, Fast Track, 1st Court, Basirhat, North 24-Parganas subject to condition that the said petitioner 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 and on further condition that he shall meet the Officer-in-charge, Basirhat Police Station once in a week until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)