

16.09.2022.
23.
as
(Allowed)

C.R.M. (DB) 3137 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hastings P. S. Case No.101 of 2022 dated 10.08.2022 under Sections 188/287/268/336 of the Indian Penal Code and Section 11A of the Aircraft Act and Sections 14(b)/14(c) of the Foreigners Act.

In the matter of : Md. Shifat & Anr. Petitioners.

Mr. Imtiaz Ahmed,
Mr. Ghazala Firdous,
Mr. Mofakkerul Islam,
Sk. Saidullah.

...for the Petitioners.

Mr. Rudradipta Nandy, ld. A.P.P.,
Ms. Sonali Das.

...for the State.

Petitioners are Bangladeshi nationals. It is contended they entered India on a valid tourist Visa and had taken aerial pictures in the precincts of Victoria Memorial Hall with the help of a drone camera. It is further submitted being tourists they were unaware with regard to the prohibition to take drone pictures in the area. They are in custody for about 40 days. They pray for bail.

Learned Additional Public Prosecutor opposes the prayer for bail. He submits analysis of the drone camera shows aerial pictures had been taken of various spots in India. Verification with the regard to the travel itinerary of the petitioners are in progress.

We have considered the materials on record. Incriminating articles i.e. the drone camera has already been seized. Petitioners have come as tourists from Bangladesh. Contention of the petitioners that as overzealous tourists they had inadvertently taken pictures cannot be wholly ruled out. Investigation with regard to their travel itinerary do not require custodial detention.

In view of the aforesaid circumstances, we are of the opinion petitioners may be released on bail, however, subject to conditions.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Metropolitan Magistrate, Kolkata subject to condition that they 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 the petitioners while on bail shall remain within the jurisdiction of city of Kolkata except for the purposes of investigation and/or attending court proceedings and provide the address where they shall reside to the Investigating Officer and the court below. They shall report to the Investigating Officer of Hastings Police Station once in a week until further orders.

In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at

liberty to cancel their bail in accordance with law without further reference to this Court.

Petitioners shall be at liberty to seek extension of their Visas before the appropriate authority in accordance with law.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)