

30.09.2022

Item No.1

Ct.No.34

dc.

Allowed

C.R.M. (SB) 238 of 2022

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Habibpur Police Station Case No. 245 dated 26.07.2022 under Sections 14A(b) of the Foreigners Act read with Sections 420/472 of the Indian Penal Code wherein charge-sheet submitted under Sections 14A(b)/14(c) of the Foreigners Act read with Sections 420/472 of the Indian Penal Code (G.R. Case No. 4610 of 2022).

And

In Re : **Hastum Sk.**

... Petitioner.

Mr. Navanil De,
Mr. Rejeshwar Chakraborty,
Mr. Srinjan Ghosh,
Mr. Subhrajit Dey

... For the Petitioner.

Mr. Prasun Kumar Datta,
Mr. S. Deb Roy

... For the State.

Mr. De, learned advocate appearing for the petitioner submits that the petitioner is in custody for more than 60 days. Learned advocate submits that investigation of the case has been completed and the only allegation against the petitioner is that he gave shelter to some persons who are foreign nationals. The petitioner is an Indian and it is revealed from the charge-sheet that the petitioner is a resident of village Madanpur, P.O. Sehalai, district Murshidabad.

Mr. Datta, learned advocate appearing for the State submits that the petitioner is an Indian, but he has

complicity in the offences so committed as the foreign nationals were found to be in association with him and he gave shelter to them.

Having regard to the period of detention so undergone, I am of the opinion that further detention of the present petitioner is unwarranted in the facts and circumstances of the case. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Hastum Sk.** shall be released on bail upon furnishing 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 Chief Judicial Magistrate, Malda.

The following conditions are imposed, if the petitioner is released on bail.

1. The petitioner shall meet the Investigating Officer of the case/Officer-in-Charge, Habibpur Police Station once in a week for a period of six months.
2. The petitioner shall also once in a fortnight attend the learned trial court irrespective of the fact whether date has been fixed for the purposes of the present case or not.
3. If there is any change of address, the petitioner shall immediately inform the learned trial court as also the Officer-in-Charge of Habibpur Police Station.

4. The petitioner shall also obtain acknowledgement in respect of his appearance both from the Investigating Officer of the case and the concerned office of the learned trial court.

Any violation of the aforesaid conditions will entitle the learned Magistrate, in seisin of the case, to cancel the bail of the petitioner without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM (SB) 238 of 2022, is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)