

28.11.2022  
SI. No.17  
akd  
[ALLOWED]

**C. R. M. (DB) 3779 of 2022**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.10.2022 in connection with Swarupnagar Police Station Case No.786 of 2022 dated 10.08.2022 under Section 14A(b) of the Foreigners Act, 1946 and Section 12 of the Passport Act, 1967. (G.R. Case No.3442 of 2022)

And

In Re: ***Kabita Mondal & Anr.***

... .. Petitioners

Mr. Anindya Ghosh  
Mr. Sekhar Mukherjee

... .. for the petitioners

Mr. Narayan Prasad Agarwala  
Mr. Ashoke Das

... .. for the State

Report is placed on record. From the report it appears that names of the petitioners feature in the electoral rolls but physical enquiry revealed they are not residing at the address stated in the electoral rolls.

As no steps have been taken to cancel the Voter's Identity cards of the petitioners, which are prima facie proof of citizenship, we are of the opinion further detention of the accuseds/petitioners is not necessary.

Therefore, the accuseds/petitioners, namely **(1) Kabita Mondal & (2) Mahadeb Mondal**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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-Parganas subject to condition that the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

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

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**