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11.11.2022
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C.R.M. (SB) 266 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Swarupnagar Police Station Case No.244 of 2022 dated 17.03.2022 under Section 14 of the Foreigners Act, 1946 read with Section 12 of the Passports Act, 1967;

Rahima Fakir @ Salma Fakir
Versus
The State of West Bengal

Mr. Atarul Hoque Molla,
Mr. Ali Ahsan Alamgir,
Ms. Rabia Khatoon.
...for the petitioner.

Mr. Arijit Ganguly,
Mr. Avik Ghatak.
...for the State.

This is an application for bail in connection with Swarupnagar Police Station Case No.244 of 2022 dated 17.03.2022 under Section 14 of the Foreigners Act, 1946 read with Section 12 of the Passports Act, 1967.

Learned advocate appearing for the petitioner submits that the petitioner has documents to substantiate that she is an Indian National. To that effect, certain documents including Aadhaar Card, Birth Certificate and residential certificate have been enclosed. Learned advocate appearing for the petitioner could not satisfy the Court that such documents were placed before the learned Magistrate who is in *seisin* of the matter. Learned advocate further submits that the petitioner is in custody since 10.04.2022.

Mr. Arijit Ganguly, learned advocate, appears on behalf of the State.

I find that charge-sheet has already been submitted in connection with the instant case. However, having regard to the fact that certain documents have been placed before this Court, I direct the learned ACJM, Basirhat to allow the petitioner to place the same documents before him so that he can direct enquiry to be conducted to assess the genuinity of the documents so submitted. The enquiry required to be conducted in respect of the said documents may be assigned to the Investigating Officer of the case or any Superior Officer as the learned Magistrate deems fit and proper and the enquiry should be completed within a period of four weeks from the date of filing of the application.

With the aforesaid observations, CRM (SB) 266 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 of all requisite formalities.

(Tirthankar Ghosh, J.)