

30-11-2022
Court No. 34
Item no.03
Subha

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 282 of 2022

Arjun Mondal

-vs-

The State of West Bengal.

In Re: An application for bail under Section 439 of the code of Criminal Procedure, 1973 filed on 22nd November, 2022 in connection with the Swarupnagar P. S. Case No. 150 of 2022 dated 21.02.2022 under Section 14 of the Foreigners Act, 1946 read with Section 12 of the Passport Act, 1967 and read with S.188 IPC.

Mr. Susnigdho Bhattacharyya
...for the petitioner.

Mr. Prasun Kumar Datta, Id. APP,
Mr. Santanu Deb Roy
... for the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody since inception.

The subject matter of challenge is an order dated 22nd April, 2022. More than seven and half months have passed since then.

However, Mr. Prasun Kumar Dutta, learned Additional Public Prosecutor appearing for the State has informed that on an enquiry, it has come to the knowledge of the Officer-in Charge, Swarupnagar Police Station that the present petitioner has been enrolled as a voter for a particular constituency of West Bengal.

However, such an issue was never agitated before the learned Magistrate in seisin of Swarupnagar P. S. Case No. 150 of 2022.

The petitioner is granted liberty to approach the learned Judicial Magistrate, 1st Court, Bashirhat, North 24 Parganas.

Mr. Datta, learned Additional Public Prosecutor is directed to communicate with the Officer-in-Charge, Swarupnagar Police Station who would submit a report regarding the citizenship of the present petitioner before the learned Judicial Magistrate on or before 5th December, 2022.

Learned Magistrate would take the same into consideration and decide his course of action in respect of the bail/release of the petitioner in connection with the instant case.

With the aforesaid observations, the application for bail being CRM (SB) 282 of 2022 is disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]

