

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

12.05.2022

Court No.01
rpan /31

C.R.M. (DB) 165 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure;

And

In Re.: Md. Abedin @ Janal
- Petitioner

Mr. Biplab Sengupta,
Mr. Raju Ray
... for the petitioner.

Mr. Ujjwal Luksom,
Mr. Biswarup Roy
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Phansidewa Police Station Case No. 12 of 2022 dated 09.01.2022 under Section 14(A) / 14(C) of Foreigners Act, 1946.

Mr. Sengupta, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He is languishing in custody since 8th January, 2022 and there is no possibility towards conclusion of the trial in the near future and in the said conspectus, he may be enlarged on bail on any stringent condition.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner is a Bangladeshi citizen. There are incriminating materials on record against the petitioner. In support of such contention he has drawn our attention to several documents in the case diary

including the seizure list. He further submits that in the event the petitioner is granted bail there is every possibility that he would flee from justice.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that upon completion of investigation the petitioner has been charge-sheeted accusing that he is a Bangladeshi citizen. Considering the nature of such accusation and the possible extent of his complicity in the alleged offence, we are not inclined to exercise discretion in his favour and his prayer for bail is refused, at this stage.

However, the learned court below is directed to take steps towards framing of charges as expeditiously as possible preferably within a period of one month.

In the event charges are framed, the learned court below shall expeditiously conduct the trial and if necessary, upon resorting to the steps available under Section 309 of the Code so that logical conclusion of the case may be reached at the earliest, preferably within six months from the date of framing of the charges without granting any unnecessary adjournment to either of the parties.

The application for bail, being CRM (DB) 165 of 2022 is, thus, disposed of.

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

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)