

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

25.07.2022.
09.
Ct.No.28.
(Allowed)

**C.R.M. (DB) 261 of 2022
(Via Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mekhliganj P. S. Case No.171 of 2022 dated 25.05.2022 under Sections 14A/14C of the Foreigners Act.

In the matter of : Enamul Haque.

.... Petitioner.

Ms. Madhushri Dutta.

...for the Petitioner.

Mr. Nilay Chakraborty,
Ms. Namrata Das.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for over 60 days. He is an Indian national and has been falsely implicated in the case.

Learned Advocate for the State opposes the prayer for bail and submits petitioner was involved in harbouring foreign nationals. He is a habitual offender.

We have considered the materials on record. Petitioner is an Indian national. No incriminating material was seized from the petitioner. Nothing incriminating has also transpired in course of his custodial interrogation. No prior criminal record is placed before us.

Keeping in mind the extent of complicity of the petitioner and the period of detention suffered by him, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mekhligang, Coochbehar subject to condition that he 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 and on further condition that the petitioner shall meet the Investigating Officer once in a week until further order.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)