

20.01.2023
as/tkm/ct 28
sl no.37

C.R.M. (DB) 255 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Swarupnagar Police Station Case No.1135 of 2022 dated 27.11.2022 under Section 14A(b) of the Foreigners Act and section 12 of the PP Act

And

In Re : Mukti Karmakar petitioner

Mr. Sabir Ahmed
Mr. Abdur Rakib
Mr. B Sarkar

..... for the petitioner

Mr. Prasun Datta
Mr. N Dhali

..... for the State

Petitioner submits she is an Indian national. She relies on documents in support of her plea of citizenship.

Learned lawyer for the State opposes the prayer for bail.

We have examined the documents namely Aadhar Card, PAN Card, certificate of enrolment under Food Security Scheme and birth certificate of her daughter.

In view of the provision of Section 9 of the Aadhaar (Targeted delivery of Financial and other Subsidies Benefits Services) Act, 2016, the Aadhaar Card is not a proof of citizenship. The other documents are not conclusive with regard to plea of citizenship.

Hence, we are not inclined to grant bail to the petitioner on the strength of the aforesaid documents.

Accordingly, the prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)