

13.03.2023

Item No.3

Ct.No.34

dc.

Allowed

C.R.M. (SB) 30 of 2023

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Swarupnagar Police Station Case No. 259 of 2022 dated 22.03.2022 (G.R. Case No. 1043 of 2022) under Section 188 of the Indian Penal Code read with Section 14A(b)/14C of the Foreigners Act.

And

In Re : **Munwara Bibi**

... Petitioner.

Mr. Supriyo Ray Choudhury,
Mr. Sankar Ghosh

... For the Petitioner.

Mr. Avishek Sinha

... For the State.

Learned advocate appearing for the petitioner submits that the documents relating to citizenship were handed over to the investigating officer of the case. It has also been submitted that the petitioner was arrested on 22.03.2022 and since then she is in custody; charge-sheet has already been submitted before the jurisdictional court.

Mr. Sinha, learned advocate appearing for the State produces a report pursuant to the documents submitted by the petitioner. Let the said report be kept with the record.

The said report reflects that the Epic Card so deposited with the investigating agency was of one Jubbar Mollaya who claims to be the father of the petitioner viz. Munwara Bibi and the said Epic Card has been found to be genuine. So far as the other issue is concerned, the same is debatable.

Having regard to the *prima facie* material appearing to be genuine, I am of the opinion that further detention of the petitioner may not be warranted in the facts and circumstances of the case. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Munwara Bibi** shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Basirhat. An additional bond of Rs.5000/- (Rupees five thousand only) should be furnished by Jubbar Mollaya along with his original Epic Card and Aadhar Card which would be retained by the learned Additional Chief Judicial Magistrate, Basirhat till completion of the trial.

If on bail, the petitioner shall not leave the jurisdiction of New Town Police Station without permission of the Investigating Officer of the case or the learned Additional Chief Judicial Magistrate, Basirhat. The only purpose for which the petitioner may leave New Town Police Station is for attending the court at Basirhat.

The Investigating Officer is directed to communicate with his counterpart in New Town Police Station.

The Inspector-in-Charge/Officer-in-Charge, New Town Police Station will depute an officer who would once a week inspect and prepare a report regarding the presence of the petitioner at the given address.

If the petitioner is not found at the available address, immediately application must be made before the learned Additional Chief Judicial Magistrate, Basirhat by the Investigating Officer of the case for cancellation of bail of the petitioner.

The petitioner shall be physically present on each and every date so fixed by the learned trial court until further orders of this Court.

Any violation of the aforesaid conditions would entitle the learned trial court to cancel the bail of the petitioner without further reference to this Court.

The application for bail, being CRM (SB) 30 of 2023, is, thus, 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 with all requisite formalities.

(Tirthankar Ghosh, J.)