

14-07-2023
Item no.52
Subha

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 107 of 2023

Forhad Mondal.

-vs-

The State of West Bengal.

In Re: An application for bail under Section 439 of the code of Criminal Procedure, 1973 filed in connection with Bagdah Police Station Case No. 187 of 2023 dated 21.03.2023 under Section 14 of the Foreigners Act(G. R. Case No. 730 of 2023).

Mr. Arnab Chatterjee
Ms. Poulami Bose
Ms. Dhanasree Biswas

...for the petitioner.

Mr. Tanmoy Kumar Ghosh, Id. Sr. G. A.
Mr. Arindam Sen

... for the State.

The report submitted by Mr Tanmoy, Ghosh, learned advocate appearing for the State be kept with the record.

In fact, the State is still not satisfied with the documents and/or the relationship and insists regarding the questionable nationality of the present petitioner.

On the other hand, Mr. Chatterjee, learned advocate appearing on behalf of the petitioner submits that the father of the petitioner is working as a labourer in Malyasia.

Be that as it may, the case is under the relevant provisions of Foreigners Act and prima facie the petitioner is not having his own documents to substantiate and is relying upon the documents of the parents to prove his citizenship. The same is permissible. However, to the satisfaction of the court perhaps due to the distance it is not possible for the petitioner at present to place it.

In view of the peculiar circumstances of the present case, I direct the learned trial court to immediately take steps for framing of charges against the present petitioner, the learned trial court would fix a schedule of two dates once in a fortnight so that the trial of the case is concluded preferably within a period of 4-6 months. The petitioner, if required, would produce his father who is presently in Malaysia as claimed, as a defence witness.

No interference is made relating to the bail application at this stage. It is again reiterated that all the observations made above are restricted for consideration of bail. The prosecution and the defence would be at liberty to produce their documents in course of the trial.

Accordingly, the prayer for bail of the petitioner is rejected and the present application for bail being CRM(SB) No.107 of 2023 is dismissed.

Pending applications, if any, are consequently 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]

