

14.08.2023
Sl. No.11
akd
[ALLOWED]

C. R. M. (DB) 2809 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.07.2023 in connection with Swarupnagar Police Station Case No.156 of 2023 dated 08.03.2023 under Section 14A(b) of the Foreigners Act and Section 12 of the Passport Act. (G.R. Case No.885 of 2023)

And

In Re: ***Yasmin Mullaha***

... .. Petitioner

Mr. Manjit Singh
Mr. Mrinal Kanti Biswas
Mr. Manish Biswas
Mr. Biswajit Mal

... .. for the petitioner

Mr. S. S. Imam
Mr. S. Kundu

... .. for the State

1. It is submitted on behalf of the petitioner that she is an Indian national and has a Voter's Identity Card. Accordingly, she prays for bail.
2. Report is placed on record. From the report it appears that the Voter's Identity Card was issued in 2014. Records are not available with regard to issuance of the card.
3. We have considered the materials on record in the light of the aforesaid report. Report does not show that the Voter's Identity Card is a fake one. Card had been issued in 2014 and records are not maintained beyond three years. Under such circumstances, we are of the opinion prima facie materials on record support the plea of citizenship of the petitioner. Hence, we are inclined to enlarge her on bail.
4. Therefore, the accused/petitioner, namely ***Yasmin Mullaha***, be released on bail upon furnishing a 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 Sessions Judge, Fast Track Court-1, Basirhat, North 24-Parganas subject to condition that the said petitioner 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.

5. In the event she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)