

11.12.2023
(D/L 14)
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3499 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Baishnabnagar P.S. Case No.412 of 2022 dated 17.05.2022 under Sections 14A(b)/14C of the Foreigners Act.

In the matter of : Naimul Sk @ Mainul Sk
... Petitioner

Mr. Arup Kumar Bhowmick
... for the petitioner

Ms. Sreeparna Das
... for the State

1. Perused the report as submitted by the IO from which it reveals that the present petitioner is the said person against whom supplementary charge-sheet has been submitted. The report dated 15th September, 2023 as submitted by the IO be taken on record.
2. Heard learned counsel for the parties.
3. On perusal of the entire materials, we find that the present petitioner gave shelter to one Abdul Bari, who is a Bangladeshi national in his house and in that activity, the present petitioner's wife Serina Bibi was jointly involved.
4. Charge-sheet is stated to have been submitted in the meantime.

5. In absence of criminal past antecedent, we are, thus, inclined to take lenient approach with regard to the present petitioner.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioner and nature of allegation, it is directed that the petitioner shall surrender before the learned CJM, Malda in G.R. Case No.2900 of 2022 arising out of the aforesaid P.S. case within 15 days from today. On his surrender and application for bail, he shall be released on bail by the aforesaid Court on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition:
 - i) The petitioner shall appear before the trial court on each date of substantive hearing subject to provision of Section 317 Cr.P.C. and the petitioner shall not leave the territorial jurisdiction of the learned trial court for a period of more than 15 days at a stretch without the leave of the learned court below.
7. In the event, any such condition/conditions as imposed by this court is violated by the petitioner, liberty is given to the learned trial court to cancel the bail of the present petitioner in accordance with law without making further reference to this court.
8. Accordingly, the prayer for the anticipatory bail is allowed.

9. The application being CRM(A) 3499 of 2023 is disposed of.

10. The learned court below is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)