

18.09.2023
M/L 151
Ct. No.29
(Rejected)
(SKB)

CRM (A) 3758 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kaliachak P. S. Case No.502 of 2023 dated 27.04.2023 under Sections 14A(b)/14C of the Foreigners Act (G.R. Case No.2581 of 2023).

In the matter of : Khajim Sk @ Khajem Ali

... Petitioner

Mr. Amitabha karmakar,
Mr. Arup Kumar Bhowmick

... for the petitioner

Mr. Prasun Kr. Datta,
Mr. Nirupam Dhali

... for the State

1. Heard learned advocates for the parties.
2. The allegation as against the present accused petitioner is that he has given shelter to a person who is an accused of another case and is also a foreign national i.e. Bangladeshi.
3. From the materials as available in the CD, we find sufficient justification in the submission of the learned advocate for the State with regard to the genuineness of the allegation at least *prima facie*.
4. Considering the entire facts and circumstances as discussed supra, we are not inclined to extend our discretion in favour of the petitioner under Section 438 Cr.P.C.

5. Accordingly, the prayer for anticipatory bail being CRM(A) 3758 of 2023 is rejected.
6. However, in the event, the present petitioner appears before the jurisdictional Magistrate within a fortnight from today and files an application for bail with a three days' prior notice to the learned PP or APP attached to the said court, the said application for bail shall be disposed of on merit on the selfsame day in accordance with law.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)