

08.09.2023
Serial no. 1
[G.S.D]

CRM (SB) 181 of 2023

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection Basirhat P.S.Case No. 240 of 2023 dated April 18, 2023 corresponding to G.R. No. 1461 of 2023, under Section 14A(B)/14C of Foreigners Act, 1946.

-And-

In the matter of : Sk. Shafiullah @ Moni

... .. Petitioner

Mr. Dipanjan Kundu

... .. For the Petitioner

Mr. Bidyut Kr. Roy
Ms. Rita Datta

... ..*For the State*

Learned Advocate for the petitioner submits that the petitioner is in custody for about 135 days. Charge-sheet has already been submitted before the jurisdictional Court.

Learned Advocate, as such, has submitted that further detention of the petitioner is unwarranted in the facts and circumstances of the instant case.

Additionally, it has been submitted that the petitioner is having an Epic Card and he is an Indian citizen.

Ms. Datta, Learned Advocate for the State, opposes the prayer for bail and submits that the petitioner was arrested at the border and thereafter could not produce any relevant document till date. As such, he may not be released on bail.

I have considered the submissions advanced by the petitioner as well as Learned Advocate for the State.

I find from the records of the case that such Epic Card was neither produced before the Learned Magistrate during the period of 135 days when he was in custody, nor it was produced before the Investigating Officer, who is conducting the investigation of the case.

Having considered the submissions of the parties, I grant liberty to the petitioner to take out an appropriate application before the Learned Magistrate and the Learned Magistrate would thereafter take decision on the basis of the enquiry report, whether the petitioner's detention is warranted in connection with the instant case.

The prayer for bail of the petitioner, at this stage, is **Rejected.**

The Learned Trial Court is directed to expedite the progress of the trial.

Accordingly, CRM(SB) No. 181 of 2023 is dismissed.

Pending application, if any, is also disposed.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)