

28.11.2023
SL. 10
Court No. 34
Suvayan/
Sourav

C.R.M. (SB) 203 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bagdah** P.S. Case No. **644 of 2023** dated **04.09.2023** under Section **14** of the Foreigners Act, 1946 corresponding to G.R. Case No. **2913 of 2023**.

And

In the matter of: **Mohan Thas alias Mohanraj Palanivel & Anr.**
....petitioners.

Mr. Susnigdho Bhattacharyya

...for the petitioners.

Mr. Saibal Bapuli, APP

Mr. Arani Bhattacharyya

...for the State.

Learned Advocate appearing for the petitioners submit that he has received a copy of the Aadhar Card only today.

I find from the records of the case that the petitioners are in custody and the investigating agency on completion of investigation has already submitted charge-sheet. The petitioners claim are that the petitioners happen to be an Indian who have been falsely implicated in connection with the instant case and is of the opinion that if proper documents are at least placed before the Court and enquiry is conducted on the same truth will be revealed, and the petitioners are not entitled to be implicated under the relevant provisions of the Foreigners Act, 1946. Earlier order was passed by this Court on 20.11.2023 directing the petitioners to produce the EPIC card and other relevant documents. Today the petitioners has been unable to obtain the same.

Mr. Bapuli, learned Additional Public Prosecutor appearing for the State has submitted that the investigating agency is in communication with the Ministry of External Affairs.

Having considered the prayer for bail which has been advanced and the materials which have been placed along with the

report, I am of the opinion that it is not a fit case for granting bail without ascertainment of the documents.

Accordingly, the petitioners would be at liberty to place all the documents in their position before the learned Jurisdictional Magistrate or the Trial Court which would be send for the enquiry to the appropriate authority and thereafter the learned Court on its satisfaction will be at liberty to exercise its discretion in accordance with law.

With the aforesaid observation, CRM (SB) 203 of 2023 is dismissed.

Pending applications, if any, are consequently dismissed.

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.)

