

14.12.2023

ML. 69

Court No. 29

Sourav

(Rejected)

C.R.M. (A) 4703 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kalyani** Police Station Case No. **72** of **2023** dated **15.02.2023** under Sections **467/468/471** IPC read with Section **14-B** of the Foreigners Act.

And

In the matter of: **Manish Dey**

....petitioner.

Mr. Ayan Bhattacharjee

Mr. Sagnik Mukherjee

Mr. Pratttay Khan

...for the petitioner.

Mr. Sanjoy Bardhan

Ms. Baishakhi Chatterjee

...for the State.

Ms. Minoti Gomes

Mr. Shibaji Kumar Das

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. The present petitioner being a Bangladeshi is alleged to have managed to procure Indian Passport etc. illegally. From the materials in the CD, it is found that the petitioner on the basis of a Bangladeshi Passport came to India and managed to procure documents like Passport to show him as Indian citizen. He and his father were deported earlier in 2018 by the appropriate government to Bangladesh. Again, the petitioner managed to come to India.
3. Learned Counsel for the petitioner relying on Section 3 of the Citizenship Act submits that the petitioner having taken birth on the soil of India, he is entitled to be recognized as a citizen of India. Such a submission does not commend to us especially in view of the fact that there are no materials to

substantiate the submission regarding birth of the petitioner on Indian soil.

4. Taking into consideration the menace, the Bangladeshis are creating on Indian soil and the seriousness of the charge, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner.
5. Accordingly, the prayer for anticipatory bail is rejected.
6. The application being **CRM (A) 4703 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

