

30.01.2023.  
29.  
Ct.No.28  
as  
(Allowed)

**C.R.M. (DB) 4602 of 2022**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Swarupnagar P. S. Case No.1065 of 2022 dated 01.11.2022 under Sections 14A(b) of the Foreigners Act and Section 12 of Passport Act.

In the matter of : Sujan Bag.

.... Petitioner.

Mr. Jayanta Narayan Chatterjee,  
Mr. Indranil Roy Chowdhury,  
Ms. Moumita Pandit,  
Mr. Nazir Ahmed,  
Mr. Nilabha Sarkar.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,  
Ms. Jonaki Saha.

...for the State.

Liberty is granted to the learned Advocate-on-record of the petitioner to correct the cause title of the petition.

Heard the learned Advocates for the parties.

Report is placed on record. From the report it appears that the birth certificate relied upon by the petitioner is undisputed. However, the report notes that the opinion of the hospital authority is inconclusive. Such issue may be thrashed out in the course of trial. However, as the birth certificate relied upon by the petitioner from the concerned corporation is undisputed, we are inclined to enlarge the petitioner on bail.

Accordingly, the petitioners viz., Sujan Bag shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local,

to the satisfaction of the learned Additional Chief Judicial Magistrate, Basirhat, North 24-Paraganas subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition petitioner while on bail shall remain within the jurisdiction of Swarupnagar Police Station except for the purposes of investigation and/or attending court proceeding and report to the Officer-in-charge of Swarupnagar Police Station once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

**(Ajay Kumar Gupta,J.)**

**(Joymalya Bagchi, J.)**