

22.12.2023
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allowed

CRM(DB) No. 4750 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 502 of 2023 dated 27.04.2023 under Section 212 of the Indian Penal Code and Sections 14A(b)/14C of the Foreigner Act.

And
In Re : Khajim Sk. @ Khajem Ali Petitioner

Mr. Arup Kumar Bhowmick
.....for the petitioner

Mr. Shekhar Barman
.... for the State

1. Learned Counsel for the petitioner submits he is an Indian national. It is also submitted he has been falsely implicated. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits petitioner is a foreign national i.e. Bangladeshi.

3. We have considered the materials on record. Petitioner is an Indian national. Investigation is complete. There is no chance of abscondence. Accordingly, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner 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 Chief Judicial Magistrate, Malda, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not

intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)