

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE JURISDICTION**

**28.08.2023
Court No.01
Item No.18
P.P./S.D.**

CRM (DB) 487 of 2023

In Re:- An application for bail under section 439 of the
Code of Criminal Procedure;

And

In Re: Md. Sariful, @ Sariful Haque

...Petitioner

Ms. Supriya Debnath

....For the petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP,

Mr. Kallol Nag

...For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Kuchlibari Police Station Case No.06 of 2022 dated 9.1.2022 under Sections 14A/14C of Foreigners Act.

Mr. Roy, learned advocate appearing for the petitioner submits that the petitioner is a physically disabled person and he has been falsely implicated in the alleged offence. The petitioner is in custody since 23rd April, 2023 and investigation has already been completed. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Drawing our attention to the statement of one Shri Khokan Molla as recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.), Mr. Nag, learned advocate appearing for the State submits that there are strong incriminating materials on records against the petitioner and in

the event the petitioner is granted bail, there is every possibility that he would be free from justice.

Considering the nature of allegations, the period of detention and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not necessary more so, when upon completion of investigation chargesheet has been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Md. Sariful, @ Sariful Haque**, 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 Sessions Judge, Mekhligunj.

It is further directed that the petitioner shall not leave the jurisdiction of Mekhligunj Police Station and shall meet with the Officer-in-Charge of the said police station once in a week until further orders. He shall not tamper with the evidence or influence the witness and shall attend the learned Court below on all the dates as fixed for hearing.

With the above observations and directions, the application for bail, being C.R.M.(DB) 487 of 2023 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)