

AD-29
Ct No.01
Jalpaiguri
12.09.2023
B.Pal

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (DB) 556 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.09.2023 in connection with Mekhliganj Police Station Case No. 96 of 2022 dated 31.03.2022 under Sections 14A/14C of Foreigners Act corresponding GR case No.224 of 2022.

And

In the matter of: **MD. SARIFUL**

Mr. Biswarup Roy,

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Arjun Chowdhury

... for the State

1. The allegations levelled against the petitioner are under the Foreigners Act. It is submitted by the petitioner that the petitioner was apprehended solely on the basis of statements of co-accused persons. That apart, the petitioner alleges to be an Indian Citizen.
2. Learned counsel for the State opposes the prayer for bail and submits that the co-accused persons are Bangladeshi citizens. That apart, it is alleged that the petitioner is one of the kingpins in the racket of smuggling of Bangladeshi citizens into India. It transpires from the materials on record that the allegations against the petitioner are primarily on the basis of statements of co-accused persons, who are

themselves Bangladeshi citizens. It is well-settled that the mere statement of co-accused persons cannot be a premise of indicting a person. Hence, we do not find any reason to further incarcerate the petitioner during the trial.

3. In such view of the matter, CRM (DB) 556 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Additional Sessions Judge Mekhliganj, Coochbehar.
4. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.
5. Further, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)