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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (A) 731 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 02.12.2022 in connection with Kuchlibari Police Station Case No. 119 of 2021 dated 30.12.2021 under Sections 14A/14C of the Foreigners Act.

In the matter of : Md. Rahamat Ali and others

... Petitioners

Mr. Subhasish Misra,
Mr. Swarup Das

...for the Petitioners

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

.....for the State.

Heard learned counsel for the parties.

The basis of the allegations against the petitioners are on the premise of statements of other accused persons, which is not a valid and clinching proof to indict a person. That apart, as it transpires *prima facie*, the present petitioners themselves are citizens of India, although allegations under the Foreigners Act have been levelled against them. In view of the above, we are inclined to grant bail to the petitioners.

Accordingly, CRM (A) 731 of 2022 is allowed, thereby granting anticipatory bail to the petitioners on condition that

the petitioners shall comply with the conditions as stipulated in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioners shall be released on bail upon furnishing an individual bond of Rs.5,000/- (Rupees Five Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mekliganj, Coochbehar and on further condition that the petitioners shall not leave the territorial jurisdiction of the concerned police station and cooperate with the Investigating Officer and make himself available in the event so required to be present by the Investigating Officer. The surety may be common in the case of all the petitioners.

CRM (A) 731 of 2022 is disposed of accordingly.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)