

07.12.2023

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Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (DB) No. 675 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kuchlibari Police Station Case No. 68 of 2023 dated 24.06.2023 under Sections 14A/14C of the Foreigners Act.

And

In Re : Subhajit Roy @ Subhajit Barman @ Kishan petitioner

Mr. Hillol Saha Podder

.....for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP

Mr. Biswarup Roy

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for about a month. It is also submitted he is an Indian national. He prays for bail.

2. Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner is a habitual offender.

3. We have considered the materials on record. Foreign nationals have been apprehended. Petitioner is an Indian national. In view of the aforesaid, further detention for progress of investigation is not necessary and he may be enlarged on bail subject to conditions.

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 Additional Chief Judicial Magistrate, Mekhliganj, subject to condition that the 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 and on further conditions that while on bail petitioner shall meet the Officer-in-Charge, Kuchlibari Police Station once in a week until further orders.

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.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)