

136. 24.05.2024
Court
No.6 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1167 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Swarupnagar Police Station Case No. 161 of 2023** dated **10.03.2023** under Section **14A(b)** of the Foreigners Act, 1946 read with Section **12** of the Passports Act, 1967.

And

In the matter of: - **Manir Hossain @ Monir Hossain Dhali**

...petitioner.

Mr. Adi Ahsan Alamgir, Adv.,
Ms. Rabia Khatoon, Adv.,
Mr. Jeme Modak, Adv.

...for the petitioner.

Ms. Sonali Das, Adv.,
Mr. Rahul Ganguly, Adv.

...for the State.

Report filed by the State as per direction of a co-ordinate Bench passed on April 18, 2024, be kept with the records.

The petitioner is in custody for 441 days. The petitioner has been charged under Section 14A(b) of the Foreigners Act, 1946, read with Section 12 of the Passports Act, 1967. A co-ordinate Bench had directed the State to verify if copy of the passport annexed to the bail petition is genuine.

The report filed today indicates that the passport is a genuine one issued by the Competent Authority in favour of the petitioner. The petitioner is an Indian national.

In that view of the matter, we are inclined to allow this application for bail.

Accordingly, we direct that the petitioner, namely, **Manir Hossain @ Monir Hossain Dhali**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two registered sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Basirhat, North 24-Parganas, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the Trial Court until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1167 of 2024 is accordingly disposed of.

Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)