

10.05.2024
DL-5
Court No.29
(AD)
(Allowed)

C.R.M. (A) 1637 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Swarupnagar** Police Station Case No.**539 of 2022** dated **26.05.2022** under Sections **14/14A** of Foreigners Act, 1946, pending before the Learned A.D.J., Fast Track-I, Basirhat, North 24-Parganas. (G.R. Case No.2218 of 2022)

And

In the matter of: **Uttam Paria @ Uttam Kumar Paria**

....petitioner

Mr. Sujan Chatterjee
Mr. Sekhar Barman
Mr. Rohan Bavishi

...for the petitioner.

Mr. Kunal Ganguly

... for the State.

1. A supplementary charge sheet was submitted in the present police case against the petitioner, *inter alia*, under Sections 13 of the Foreigners Act and 120B of the Indian Penal Code, 1860.
2. Learned Advocate appearing for the State refers to the materials in the case diary. He submits that, pursuant to the order passed by the High Court, CID took over investigations. During such investigations, the involvement of the petitioner transpired and that too from statements recorded under Section 164 of the Code of Criminal Procedure and statement of the wife of the petitioner.
3. The issue as to whether, the petitioner was engaged in harbouring foreigners, may be decided at the trial.
4. Investigations are over.
5. Need for placing the petitioner in custody at this stage is not felt.
6. Consequently, we grant anticipatory bail to the petitioner.

7. Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default, the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.
8. The prayer for anticipatory bail of the petitioner is allowed.
9. **C.R.M. (A) 1637 of 2024** is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)