

10.09.2024
AD-17
Court No.29
TN

CRM (A) 2723 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 now Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Shyampukur/SCO Police Station Case No. 106 of 2022 dated 21.12.2022 under Sections 120B/465/467/471 of the IPC read with Sections 14(a)/14A(b) of Foreigners Act.

And

In the matter of: **Wali Khan**

.... petitioner

Mr. Tarique Quasimuddin,
Ms. Hera Madni

....for the petitioner

Mr. Anirban Dutta,
Mr. Nilay Sengupta,
Mr. Sujit Banerjee

....for the *de facto* complainant

Mr. Ashok Kumar Chakraborty, Ld. ASGI,
Mr. Rajdeep Mazumder, Ld. DSGI,
Mr. Kumarjyoti Tewari,
Mr. Sagar Saha

....for the UOI

Mr. Ranadeb Sengupta,
Mr. Abhishek Verma

....for the State

1. In terms of earlier order, the learned Additional Solicitor General appears and submits, on instructions, that Wali Khan was issued Indian Passport having No. U8411866 on receipt of clear police report. The said report was received by the Regional Passport Officer on 1st January, 2021. Later his passport was revoked on 4th December, 2023 upon receipt of a police report that birth certificate was fraudulently

obtained from the KMC. The ration card and voter card were also confirmed to be fake.

2. It is further submitted that the passport was revoked following due procedure laid down under the Passport Act and the order was communicated to the petitioner.
3. However, the learned Additional Solicitor General has in all fairness submitted that such facts can be filed in the form of a report.
4. Mr. Ranadeb Sengupta, learned counsel for the State has filed a supplementary affidavit disclosing the orders to show that proclamation has been issued against the petitioner. He is yet to be declared as proclaimed offender.
5. The learned counsel for the *de facto* complainant has produced case status of Hon'ble Supreme Court to show that a special leave petition has been filed against the order dated 20.08.2024 and opposed the prayer for extension of the interim protection.
6. The petitioner has met the Investigating Officer in terms of our earlier order.
7. In view of the submissions made by the learned Additional Solicitor General, appearing on behalf of the Union of India, that the passport of the petitioner has been revoked and there are incriminatory materials against the petitioner we are not inclined to extend the interim order.
8. The application for anticipatory bail fails and accordingly dismissed.
9. However, there shall be no order as to costs.

10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Prasenjit Biswas, J.)