

10.05.2024
Item No.12
Ct. No. 29
CHC
Rejected

C.R.M.(A) 4081 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kasba** Police Station Case No. **275** of **2023** dated **11.07.2023** under Sections **420/467/468/469/471** of the Indian Penal Code read with Section **14(C)** of the Foreigners Act and Section **12** of the Passport Act.

And

In the matter of : Smt. Pial Das (Parya)

..... petitioner

Mr. Sarwar Jahan,
Mr. Sabyasachi Chatterjee,
Mr. Omor Faruk Gazi
....for the petitioner

Mr. Prasun Kumar Datta, Ld. A.P.P.
Mr. S. Deb Roy
....for the State

Mr. Sourav Chatterjee,
Ms. Anwesha Mukherjee
....for the de facto complainant

Mr. Pradip Kumar Das
....for the Union of India

In this application for anticipatory bail, de facto complainant raised the issue of citizenship of the petitioner.

We requested initially the State and thereafter, the Union of India to look into such issue.

Union of India submitted a report from which it transpires that, petitioner is not a citizen of India.

Learned advocate for the petitioner submits that, the de facto complainant is complicit in arranging papers to show the citizenship of the petitioner as an Indian national. It is

submitted that, the authority should take appropriate steps against the de facto complainant in this regard.

Learned advocate for the de facto complainant denies such allegation.

Be that as it may, on the basis of the report of the Union of India, petitioner before us cannot be treated as an Indian national at the present moment.

Consequently, we are unable to grant anticipatory bail to the petitioner.

Interim order if any, stands vacated.

This application for anticipatory bail is, thus, rejected.

CRM(A) 4081 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)