

18.01.2024.
25.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 4497 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hili P.S. Case No.132 of 2023 dated 06.08.2023 under Sections 14A(b)/ 14C of the Foreigner Act.

In the matter of : **Md. Ziaur Rahaman.**

... Petitioner.

Mr. Debabrata Acharyya,
Mr. Sital Samanta.

...for the Petitioner.

Mr. Tanmoy Kr. Ghosh, Id. S.G.A.,
Mr. Santanu Chatterjee.

...for the State.

1. Heard the learned Advocates for the parties.
2. Report is placed on record.
3. We have considered the materials on record. Petitioner contends he was born in Dakshin Dinajpur in the State of West Bengal. He has relied on a birth certificate issued by Shibpur Gram Panchayat. Thereafter, the Panchayat had merged into Buniadpur Municipality. Report of Buniadpur Municipality states no document regarding birth certificate of the petitioner is available.
4. In view of the aforesaid facts, we are unable to accede to the prayer of the petitioner that he was born in India. Other documents relied upon by the petitioner are not conclusive proof of citizenship.

5. Hence, we are not inclined to grant bail to the petitioner at this stage.

6. Accordingly, the prayer for bail of petitioner is rejected.

7. We request the trial court to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)