

13.05.2024

Sl. No.43

akd
[Rejected]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (DB) 86 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.01.2024 in connection with Kharibari Police Station Case No. 51 of 2023 dated 07.03.2023 under Sections 468/471 of the Indian Penal Code read with Section 14(A) of the Foreigners Act and Sections 36/42 of the Aadhaar Act (Targeted Delivery and Financial and other Subsidiaries, Benefits and Services) Act, 2016. (G.R. Case No.742 of 2023)

And

In Re: **San Man Subba**

... .. Petitioner

Mr. Amales Roy
Mr. Dhiraj Lakhotia

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor
Mr. Biswarup Roy

... .. for the State

1. It is submitted on behalf of the petitioner that he is an US citizen and had a valid visa. Subsequently, he was arrested and implicated in the case. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner was illegally trying to enter India. SSB personnel arrested him. Fake identity documents were recovered from his possession.
3. We have considered the materials on record. Petitioner claims he had a valid visa. It is alleged he was illegally entering the country without valid documents. He was apprehended and fake identity documents were recovered from him. Prior valid visa does not give any legal support to the case of the petitioner. Under such

circumstances and as petitioner is a foreign national, we are of not inclined to grant bail to the petitioner at this stage.

4. The application for bail is thus rejected.
5. Jurisdictional court is directed to take immediate steps for apprehension of absconding accused and if the said accused cannot be apprehended inspite of exhaustion of all processes to declare him as proclaimed offender and commit the case to the Court of Sessions at the earliest.
6. Parties shall communicate a copy of this order to the jurisdictional court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)