

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

08.04.2024
Court No.01
rpan / 52

CRM (DB) 149 of 2024

In Re: Bishnu Barman

- Petitioner

Ms. Supriya Debnath
... for the Petitioner.

Mr. Ujjwal Luksom,
Ms. Namrata Das
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Kuchlibari Police Station Case No.171 of 2023 dated 26.11.2023 under Sections 14A/14C of the Foreigners Act.

Ms. Debnath, learned advocate appearing for the petitioner submits that the petitioner is an Indian Citizen and the ingredients of Section 14A of the Foreigners Act are not attracted against him. Upon completion of investigation chargesheet has already been submitted and in the said conspectus, further detention of the petitioner may not be necessary, as he had already suffered detention for more than seven months.

Mr. Luksom, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Prima facie, the petitioner is an Indian citizen and his name has transpired on the basis of the statement of a co-accused person. Considering the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we

are of the opinion that further detention of the petitioner is not necessary, moreso when, upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that the petitioner, namely, **Bishnu Barman** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mekhliganj, Coochbehar with further conditions that he shall not leave the jurisdiction Mekhliganj Police Station and shall meet with the Officer-in-Charge, Mekhliganj Police Station once a week till the charges are framed. He shall also attend the learned trial court on all the dates as fixed for hearing.

It is further directed that the petitioner shall not tamper with the evidence and/or influence any of the witnesses in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application for bail being CRM (DB) 149 of 2024 is, accordingly, disposed of.

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

(Biswaroop Chowdhury, J.)

(Tapabrata Chakraborty, J.)