

20.05.2024

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rejected

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M.(DB) No. 174 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 427 of 2023 dated 13.06.2023 under Sections 14A/14C of the Foreigners Act.

And

In Re : Ramesh Barman & Anr. petitioners

Mr. Sourav Ganguly
Mr. Abhishek Sarkar
....for the petitioners

Mr. Nilay Chakraborty, learned APP
Mr. Dhiman Sil
..... for the State

1. Learned Counsel for the petitioners submits petitioner no. 1 has valid Voter's Identity Card and Aadhaar Card. He and his wife i.e. petitioner no. 2 are Indian citizens. They pray for bail.

2. Learned Counsel for the State opposes the bail prayer and submits report.

3. From the report it appears biometric examination of the Aadhaar Card of the petitioner no. 1 shows that it stands in the name of one Ramesh Barman, son of one Sattar Mohan Barman. Their names do not appear in the voter's list also.

4. In response learned Counsel for the petitioners submits petitioner no. 1 had purchased land in 2020 as Ramesh Barman, son of one Ghaneshyam Barman.

5. We have considered the materials on record including the report.

6. Report prima facie casts doubt with regard to the authenticity of the documents relied on behalf of the petitioners. It is open to the petitioners to canvass his defence during trial. However, in light of the nature of allegations and as the documents do not appear to be undisputed, we are not inclined to grant bail to the petitioners.

7. Application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)