

21.05.2024
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rejected

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M.(DB) No. 254 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Naxalbari Police Station Case No. 27 of 2024 dated 12.02.2024 under Sections 14A/14C of the Foreigners Act.

And

In Re : Abdullah Aboubacar @ Ronaldo petitioner

Mr. Rajesh Kumar Sharma

Mr. Janardan Periwal

Mr. Bichey Sharma

....for the petitioner

Mr. Nilay Chakraborty, learned APP

Mr. Biswarup Roy

..... for the State

1. Learned Counsel for the petitioner submits charge-sheet has not been placed before the Court and cognizance was not taken within the period stipulated under Section 167(2) of the Code of Criminal Procedure. He prays for statutory bail.

2. Learned Counsel for the State opposes the bail prayer and submits charge-sheet had been submitted within sixty days.

3. We have considered the materials on record. We have perused order dated 13.04.2024. In the order it is recorded that the endorsement on the charge-sheet shows it was submitted in the G.R. office attached to the Court within stipulated time. This shows that investigation was complete and

the charge-sheet had been forwarded to the Court by police within sixty days. Investigation is complete when charge-sheet is forwarded to the Court for taking cognizance. Taking of cognizance is not a pre-requisite for completion of investigation. Under such circumstances, petitioner is not entitled to statutory bail. He is a foreign national. Accordingly we are of the opinion petitioner is not entitled to bail on merits too.

4. Application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)