

**In the High Court At Calcutta
Jalpaiguri Circuit Bench
CRM (DB) 538 of 2024**

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Phansidewa Police Station** Case No. **313 of 2023** dated **30.09.2023** under Sections **465/471/474/120B** of the Indian Penal Code and Sections 14A/14C of the Foreigners Act.
- A n d -

In the matter of : Md. Sapon

.... Petitioner.

Mr. Hillol Saha Poddar,
Ms. Mousumi Das,

... For the Petitioner.

Mr. Ujjwal Luksom,
Mr. Biswarup Roy,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that he is in custody for 410 days. Charge has not been framed. There are 16 charge sheet named witnesses. There is no possibility of an early conclusion of the trial. He renews his prayer for bail which was earlier rejected on May 20, 2024, on the ground of delay in progress of trial.
2. Opposing the prayer, learned State Counsel says that the visa of the petitioner who is a Bangladeshi national, expired on May 16, 2023. Thereafter, the petitioner did not obtain extension of visa. Instead, the petitioner procured forged aadhar card and masqueraded as Indian national. November 14, 2024 has been fixed as the date for production of the petitioner before the learned Trial Court.
3. The prosecution may have a very strong case and very good grounds for securing conviction of the petitioner. However,

the petitioner cannot be kept in incarceration for an indefinite period of time without concluding the trial within a reasonable period of time. We see very little possibility of the trial concluding on an early date. The petitioner is in judicial custody for more than one year one month. The right to speedy trial under Article 21 of the Constitution is available not only to an Indian national but also to others.

4. Hence, without making any comment on the merits of the case and considering also that the petitioner's initial entry in this country was not illegal, solely on the ground of delay in progress of trial, we are inclined to allow the petitioner's prayer for bail but on stringent conditions.

5. Accordingly, we direct that the petitioner, namely, **Md. Sapon**, 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 Sessions Judge, First Court, Siliguri subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall meet the officer-in-charge of the concerned police station once in a week until further orders. The petitioner shall not leave the jurisdiction of the learned trial court.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)