

Item No.06

Ct.No.34

rc.

C.R.M. (DB) 362 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Basirhat Police Station Case No. 816 of 2024 dated 08.11.2024 under Section 14A(b) of the Foreigners Act.

And

In Re : **Mohan Sarkar @ Mahon Sarkar** ... Petitioner.

Mr. Satadru Lahiri
Mr. Safdar Azam ... for the Petitioner

Mr. Siladitya Banerjee
Mr. Asraf Mandal ... For the State

Report submitted by the State is taken on record.

Investigating Officer is present in Court.

Heard learned counsels for the parties.

It appears from the report that the petitioner submitted his birth certificate before the learned Additional Chief Judicial Magistrate, Basirhat which was sent for verification and found to be fake.

The petitioner has sought refuge in Section 6B of the Citizenship Act, 1955. But no application having been made by the petitioner for grant of a certificate of registration or certificate of naturalisation, the provision cannot come to his aid at this stage.

In view of the above, this Court is inclined to hold that the petitioner cannot be prima facie termed as an Indian

national on the basis of documents relied on by him and does not deserve a favourable order.

Accordingly, prayer for bail of the petitioner is rejected at this stage.

The application is disposed of.

Case Diary is returned.

The personal appearance of the Investigating Officer is dispensed with.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)