

28
17.07.2025
Ct.No.34
b.das
Allowed

C.R.M. (M) 816 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Sonarpur P.S. Case No. 83 of 2025 dated 13.01.2025 under Sections 318(4)/338/340(2)/61(2) of BNS, 2023 read with Sections 14/14A(b)/14C of the Foreigners Act.

And

In Re : **Md. Tushar Ahmed @ Tushar Ahamed** ... Petitioner.

Mr. Soumya Nag
Mr. Aditya Tiwari
Mr. Rajdeep Sengupta ... for the Petitioner.

Mr. Anand Keshari
Mr. Abhinaba Mukherjee ... for the State.

Heard learned counsels for the parties.

The petitioner is in custody for about 6 months and prays for bail.

Learned counsel for the State opposes the prayer and submits that the petitioner has been residing in the country without a valid VISA for more than 1½ years and does not deserve a favourable order.

I have considered the material on record. The allegation against the petitioner is that he entered the country from Bangladesh with a valid passport and VISA. His VISA expired in 2023 despite which he continued to remain in India till 2025 when he was arrested. However, the passport of the petitioner is valid till November, 2025 and has been seized by the investigating agency. Charge sheet has been submitted. No other illegal act has been alleged against the petitioner.

In view of the above, this Court is inclined to hold that further detention of the petitioner is not required and he may be released on bail subject to stringent conditions.

Accordingly, prayer for bail is allowed.

The petitioner namely **Md. Tushar Ahmed @ Tushar Ahamed** be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Baruipur, South 24 Parganas subject to condition that he shall remain within the jurisdiction of Sonarpur P.S. except for the purpose of appearing before the learned trial Court and shall furnish the address where he shall henceforth reside before the learned trial Court, investigating officer and the Officer in charge of the concerned P.S under whose jurisdiction he shall presently reside. The petitioner shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions as stated above without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is thus disposed of.

Case Diary be returned.

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

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

(Suvra Ghosh, J.)