

CRM (M) 573 of 2025

In re: An application for bail under Section 483 of the Bhartiya Nagarik Suraksha Sanhita 2023 in connection with Petrapole Police Station Case No.17 of 2025 under Sections 319(2)/338/336(3)/340(2) of BNS 2023 read with section 14A(b) of the Foreigners Act

- A n d -

In the matter of : Shaikh Mozassar Nazar

.... Petitioner.

Dr. Arka Pratim Chowdhury
Mr. Afreen Tarannum

... For the Petitioner.

Mr. Arijit Ganguly
Ms. Rita Datta

... For the State.

1. It is said on behalf of the accused-petitioner that this petitioner is absolutely innocent and has been falsely entangled with the offence alleged. It is said that it would appear from the seizure list that this accused-petitioner has an Indian passport being No. M7089570 and that was duly issued by the competent authority of the Government of India. It indicates that this accused-petitioner is an Indian citizen and as such invocation of section 14A(b) of the Foreigners Act, 1946 is misplaced.

2. At the time of hearing learned advocate for the petitioner also draws attention of this court regarding the educational document which was issued by the West Bengal Board of Madrasah Education. It is said that this accused-petitioner is very much Indian citizen and he cannot be said to be a

foreign national. Moreover, charge sheet has already been submitted by the prosecuting agency and no purpose will be served by detaining further of this accused-petitioner behind the bar for the sake of custodial interrogation. He prays that this accused-petitioner may be enlarged on bail on any condition.

3. Learned advocate for the State raises objection by submitting that this accused-petitioner is a Bangladeshi national and in the course of investigation Bangladeshi passport and ID card were found in the name of this accused person. From the said passport it appears that he entered into the country but there is no record of her departure from India. As such if the accused person is released on bail then there is every chance of his absconsion causing hamper in the progress of trial. So he prays that bail prayer filed by the accused petitioner may be rejected.

4. I have considered the rival submissions advanced by both the parties and have consulted the materials placed before this court at the time of hearing.

5. It appears from the seizure list that Bangladeshi passport and Bangladeshi national ID card were found in the name of this accused person and in spite of that Indian passport and other Indian ID like epic card, Aadhaar Card and educational certificate in the name of the accused person were also found. From the Bangladeshi passport it appears that the said passport stands in the name of accused petitioner and he entered into this country but there is no record of her departure from the country. After consulting all the documents I find that prayer for bail filed by the accused-petitioner is liable to be **rejected**.

6. According, prayer for bail is **rejected** at this stage.

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

8. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)