

July 23, 2025

51 ARDR

(Allowed)

CRM (M) 887 of 2025

In Re : An Application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with
Swarupnagar Police Station Case No. **77** of **2025** dated **14/2/2025**
under Sections **14A(b)** Foreigners Act and Section **12** of the
Passport Act.

And

In Re : Nemaï Pal & anr.

... Petitioners.

Adv. Arindam Jana,
Adv. Siddhartha Sarkar,
Adv. Rahul Surtani,

... for the petitioners.

Adv. Koushik Kundu,
Adv. Rajashree Tah,

... for the State.

Heard learned counsels for the parties.

The petitioners are in custody for more than six months.

It is not in dispute that they entered the country with a valid
passport and visa for medical purpose. Their visa expired during
their stay in the country and they did not apply for extension of the
same. They continued to reside in India even after expiry of their
visa. However, their passports have not yet expired.

Charge sheet has been submitted. Since there is no other
allegation against the petitioners with regard to any offence
committed by them during their stay in the country, their further
detention is not required and they may be released on bail subject to
stringent conditions in order to secure their attendance before the
learned trial Court.

Accordingly, the prayer for bail is allowed.

The petitioners namely **Nemaï Pal and Sikha Pal** be released
on bail upon furnishing bond of Rs.50,000/- (Rupees fifty

Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned **Additional Chief Judicial Magistrate, Basirhat**, subject to the condition that they shall remain within the jurisdiction of Basirhat Court and shall furnish the address where they shall presently reside before the learned trial Court, Investigating Officer and the Officer in charge of the concerned police station under whose jurisdiction they shall henceforth reside. The petitioners shall provide their mobile phone numbers to the said authorities and shall not change the same without prior intimation to them. They shall deposit their passports before the learned trial Court. The petitioners shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

The Foreigners Regional Registration Officer is directed to extend their visa/travel document prior to their release from the correctional home till completion of trial.

The petitioners shall be released only upon issuance of such document by the Foreigners Regional Registration Officer.

Considering the period of validity of the passports of the petitioners, the learned trial Court is directed to expedite the trial without granting any unnecessary adjournment to either of the parties.

In the event the petitioners fail to adhere to any of the conditions stated above, the learned trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is 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.)