

CRM (DB) 2408 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Swarupnagar Police Station** Case No. **730 of 2022** dated **24.07.2022** under Sections **14A(b)/14C** of the Foreigners Act and Section 12 of the Passport Act.

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In the matter of : Gouranga Sil @ Gour Roy

.... Petitioner.

Mr. Sumanta Chakraborty,
Ms. Shefa Mondal,

... For the Petitioner.

Mr. S. S. Imam,
Mr. Parvej Anam,

... for the State.

Dictated by Apurba Sinha Ray, J:-

1. Learned Advocate for the petitioner submits that the petitioner is an Indian citizen. The allegation that the aadhar card is fabricated one, is not correct. Considering his period of detention he may be enlarged on bail.

2. Learned State Advocate raises strong objection. He submits that the petitioner is a Bangladeshi national. He obtained fabricated and fraudulent aadhar card. He is not an Indian national. If the petitioner is enlarged on bail, the prosecution may suffer.

3. As per our direction the learned Advocate for the petitioner has failed to produce sufficient documentary evidence showing that the petitioner is an Indian national. He has failed to submit any educational certificate showing that he studied in any of the schools in India. Further, no birth certificate has been produced from the side of the petitioner showing that he was born in the

Indian territory. All the documents produced and relied upon by the petitioner are highly suspect in nature.

4. Considering the entire materials on record and also taking into consideration that fabricated and fraudulent aadhar card has been produced by the petitioner, we are not inclined to enlarge the petitioner on bail, at this stage.

5. CRM (DB) 2408 of 2024 is, thus, dismissed.

6. We clarify that all observations made in this order are only for the purpose of disposing of this bail application and shall have no bearing on the trial.

7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)