

42.
29-10-2025
(ct. no.446)
debajyoti
(allowed)

CRM (M) 1776 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Sonarpur Police Station Case No.83 of 2025 dated 13-01-2025 under Sections 318(4)/338/340(2)/61(2) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 14/14A(b)/14C of the Foreigner's Act, 1946.

- A n d -

In the matter of : Md. Ismail Hossain & Ors.

.... Petitioners.

Mr. Soumya Nag,
Mr. Rajdeep Sengupta

... For the Petitioners.

Mr. Bibaswan Bhattacharyya,
Ms. Pallavi Priyadarshee

... For the State.

1. The present application has been filed on the ground of parity with other co-accused person who has been enlarged on bail on 17th July, 2025 by a coordinate Bench, after a period of detention of six months.
2. Learned prosecution raises objection specially on the ground that the Visas of present petitioners expired long back, especially in respect of petitioner no.1 whose Visa is expired in the year 2024.
3. Be that as it may, it is a fact that all of them entered India with a valid Passports and Visas and the Visas expired either in the year 2024 or early part of 2025 and they continued to remain in India. The Visas and Passports are seized by the investigating agency.
4. In this case, charge sheet has been submitted and no other criminal antecedents have been found insofar as the

present petitioners are concerned, more so, the co-accused similarly circumstanced with these petitioners have been enlarged on bail.

5. Therefore, in view of above, this Court is inclined to hold that there is no need for further detention .Accordingly, the petitioners be released on bail on the following conditions.

- a) The petitioners, namely, **Md. Ismail Hossain, Md. Samidul Islam** and **Md. Samim Hossain Molla**, shall be released on bail upon furnishing bonds of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Baruipur, South 24 Parganas.
- b) The petitioners shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit any cognizable offence in any manner whatsoever.
- c) The petitioners shall appear before the Officer-in-Charge/Inspector-in-Charge of the local police station once in a week, until further orders.
- d) The petitioners shall remain within the jurisdiction of Sonarpur Police Station except for the purpose of attending the court proceedings and shall, through their learned advocate, inform their current local address where they shall be residing while on bail and their mobile phone numbers, to the learned trial Court and the local police station where they shall be residing.

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

7. The application for bail is, thus, **allowed**.
8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

[Chaitali Chatterjee (Das), J.]