

38. 08.01.2025
Court
No.29 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3208 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of Kumarganj Police Station Case No. 308/2022 dated 20.9.2022.

And

In the matter of: - **Md Shakil Hossain**

...petitioner.

Mr. Bibaswan Bhattacharya
Ms. Benajir Hasna
Mr. Aliul Islam

...for the petitioner.

Mr. Md. Adil Badr, Jr. Govt. Adv.
Mr. Atanu Ghosh

...for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. Learned Advocate for the petitioner says that the trial Court is lying vacant since December 2023. Last examination of witness was on December 20, 2023. The petitioner has also attempted to get the case transferred to another Court but has not succeeded till date. He entered India with a valid visa and passport. Validity of his passport expired while he was in judicial custody. He prays for bail.
3. Learned State Counsel, opposing the bail prayer, says that the petitioner, admittedly a Bangladeshi national, came to India with dishonest motive. He mingled with the Indian

nationals, forged Aadhaar cards, PAN cards, Voter ID Cards etc. That is why Sections 468 and 471 of the Indian Penal Code have been invoked against him. It is true that the Trial Court is presently lying vacant. However, appropriate directions may be issued for transfer of the case to another Court for expeditious disposal of the trial.

4. We have considered the rival contentions of the parties. It is not in dispute that the petitioner is a Bangladeshi national. It is also not in dispute that his visa expired while he was in India and the validity of his passport also expired during his incarceration in correctional home. However, *prima facie* it appears that the petitioner came to India with dishonest motive. The acts of the petitioner are against national interest and have to be viewed very seriously. Hence, we are not inclined to entertain the petitioner's prayer for bail, at this stage. The prayer for bail is rejected.
5. The application being CRM (DB) 3208 of 2024 is accordingly dismissed.
6. We make it clear that all observations made in this order are only for the purpose of disposing of this bail application and will have no bearing on the trial. We further direct the learned Sessions Judge, Dakshin Dinajpur, to look into the matter and take appropriate steps including, if deemed fit, withdrawal and transfer of the case records to another Court, so that the trial can be concluded on an early date in view of

the fact that the petitioner has been in judicial custody for a long period of time.

7. The learned Registrar General of this Court is requested to communicate this order to the learned Sessions Judge, Dakshin Dinajpur, immediately.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)