

D/L33

03.03.2025

Rohit

ct.no.26

C.R.M. (DB) 4412 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Baishnabnagar Police Station Case No. 443 of 2019 dated 25.08.2019 under sections 379/411/413/414/188/34 of the Indian Penal Code, 1860 and Section 14 of the Foreigners Act, 1946

And

In Re: **1. Md. Mokim**

2. Md. Mumin @ Md. Momin @ Mumin

...Petitioners

Mr. Md. Wasim Akram

Ms. Sabrina Parveen

...for the petitioners

Ms. Saryati Datta

Mr. Akash Ganguly

...for the State

1. Petitioners are in custody in excess of five years six months.
2. Petitioners apparently are foreign nationals.
3. Nonetheless, benefit of Article 21 of the Constitution of India is available to foreign nationals.
4. Purely on the principles of delay of trial and on Article 21 of the Constitution of India, we are inclined to grant bail to the petitioners.
5. Accordingly, we direct that the petitioners viz., **1. Md. Mokim 2. Md. Mumin @ Md. Momin @ Mumin** shall be released on bail upon furnishing a bond of Rs.10,000/- each (Rupees Ten Thousand

only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the **Learned Chief Judicial Magistrate, Malda** subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioners while on bail shall remain within the jurisdiction of Baishnabnagar P.S except for the purpose of investigation and/or attending court proceeding and report to Officer-in-Charge of Baishnabnagar P.S once a week until further orders.

6. In the event, the petitioners fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.
7. The prayer for bail of the petitioners is **allowed**.
8. The application for bail being **C.R.M. (DB) No. 4412 of 2024** is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)