

22.07. 2025
Item No. 04
g.b.
Ct. No. 04

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI

C.R.M (M) 180 of 2025

In re: An application for Bail under Section 483 of the Code of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Haldibari Police Station Case No. 96 of 2025 dated 12th January, 2025 under Sections 14A/14C of Foreigners Act.

And

In Re : **UMESH CHANDRA SEN**
... Petitioner.

Mr. Debasish Mukhopadhyay
Ms. Srishti Sarkar
Ms. Payel Chand

...For the petitioner.

Mr. Kallol Acharjee
Mr. Biswarup Roy
....For the State

1. The present application, being CRM(M) 180 of 2025, has been preferred by the petitioner, Umesh Chandra Sen, seeking release on bail in connection with Haldibari Police Station Case No. 96 of 2025 dated 12th January, 2025 under Sections 14A/14C of Foreigners Act. He is in custody since **12th June, 2025**.
2. Mr. Debasish Mukhopadhyay, learned advocate appearing for the petitioner, submits that the petitioner is an Indian citizen and was apprehended solely on the charges of **harbouring a Bangladeshi national**. He further emphasized that the petitioner's name reportedly surfaced from the statement of a co-

accused, implying a potential lack of direct evidence or active involvement. It was strenuously argued that given the petitioner's undisputed Indian citizenship and the period of custody already undergone, coupled with the nature of the allegations, no further purpose would be served by continued detention. Learned counsel therefore prayed for the release of the petitioner on bail, subject to any stringent conditions as deemed appropriate by this Hon'ble Court.

3. Mr. Kallol Acharjee, learned Advocate appearing for the State, vehemently opposed the prayer for bail. He submits that the investigation in the matter is still at a crucial stage and is actively progressing. While acknowledging the petitioner's custody period, he highlighted the gravity of the alleged offence, particularly in the context of national security or regulatory compliance regarding foreign nationals.
4. I have meticulously considered the submissions advanced by the learned advocates appearing for both the petitioner and the State, and have also perused the materials on record, including the case diary.
5. It is undisputed that the petitioner has been in custody since **12th June, 2025**, which amounts to approximate 40 days of custody period, as of today. The primary allegation against the petitioner is that of harbouring of a Bangladeshi national. While the investigation is stated to be progressing, it is noteworthy that

the petitioner is an Indian citizen. More significantly, a crucial factor in considering bail is whether the continued custodial interrogation of the accused is necessary for the effective completion of the investigation. In the present facts and circumstances, it does not appear that the custodial interrogation of the petitioner is indispensable at this juncture. The primary evidence against him, as stated by his counsel, arises from the statement of a co-accused, which would be subject to further verification and legal scrutiny during the trial.

6. Furthermore, there are no specific averments or materials brought before me to suggest that the petitioner is a flight risk or that he is likely to tamper with evidence or influence witnesses, provided appropriate conditions are imposed. The principle of bail, not jail, is a fundamental tenet of criminal jurisprudence, especially when the presence of the accused is not demonstrably crucial for the ongoing investigation and there is no apprehension of obstruction of justice.
7. In light of the aforesaid facts and circumstances, including the period of custody already suffered by the petitioner, his status as an Indian citizen, and the absence of any compelling reason necessitating further custodial interrogation, I am of the considered opinion that the prayer for bail deserves to be allowed.

8. Accordingly, the petitioner, is directed to be released on bail upon furnishing a bond of **Rs. 20,000/- (Rupees Twenty Thousand Only)** with **two sureties of like amount**, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mekhliganj.
9. This order of bail shall, however, be subject to the following stringent conditions:
- a) The petitioner shall **appear before the Investigating Officer once in a week**, preferably on Monday between 10:00 A.M. and 12:00 P.M., till the conclusion of the investigation. He shall also present himself before the Investigating Officer as and when his assistance is genuinely required for the purpose of investigation.
 - b) The petitioner shall **attend the Court of the learned Additional Chief Judicial Magistrate, Mekhliganj, regularly** on each and every date. Any unexcused absence on the part of the petitioner shall entitle the learned Trial Court to forthwith cancel the bail without further reference to this Court.
 - c) The petitioner shall **not tamper with the evidence** or in any way **influence any witness** connected with the case.
 - d) The petitioner shall **not leave the territorial jurisdiction** of the learned Additional Chief Judicial Magistrate, Mekhliganj,

without prior permission from the said Court, save and except for attending any related legal proceedings or medical exigencies, with prior intimation to the Investigating Officer.

e) The petitioner shall **cooperate fully with the ongoing investigation** and shall not obstruct or impede the same in any manner whatsoever.

10. It is made clear that any breach of the aforesaid conditions shall render the bail granted to the petitioner liable to be cancelled forthwith, either upon an application by the prosecution before the learned Trial Court or suo motu by this Hon'ble Court.

11. C.R.M.(M) 180 of 2025 stands **disposed of**.

12. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties on an urgent basis after completion of all necessary formalities.

(Uday Kumar, J.)