

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

**20.08.2025.
8
Ct.No.04.
as
(Allowed)**

C.R.M. (M) 219 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Haldibari P.S. Case No.96 of 2025 dated 12.06.2025 under Sections 14A/14C of the Foreigners Act.

In the matter of : **Rupak Chandr Sen.**

.... Petitioner.

Ms. Madhushri Dutta.

...for the Petitioner.

Mr. Nilay Chakraborty, Ld. A.P.P.,
Mr. Chattu Roy.

...for the State.

1. Ms. Dutta, learned Advocate representing the petitioner has pointed out that some typographical error has inadvertently crept into the cause title of this application.
2. Liberty is granted to make necessary correction.
3. This application for bail has been preferred under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, BNSS) in connection with Haldibari P.S. Case No.96 of 2025 dated 12.06.2025 under Sections 14A/14C of the Foreigners Act.
4. Ms. Dutta, learned Advocate appearing for the petitioners, submits that the petitioner is an Indian citizen. She points out that the co-accused, being the petitioner's father, has already been granted bail. She also produces a copy of the voter identity card and the voter list, and submits that the petitioner has cast his vote on two occasions.

She contends that further detention of the petitioner will not serve any purpose.

5. Mr. Chakraborty, learned Additional Public Prosecutor, produces the Case Diary and, relying on the materials therein, vehemently opposes the prayer for bail. He submits that the documents recovered from the possession of the petitioner, including his birth certificate and school leaving certificate, were sent for verification, and upon verification, it was found that both documents are forged. He further submits that it is doubtful whether the petitioner is an Indian citizen.

6. Heard the learned Advocates appearing for the respective parties and perused the case diary and other materials on record.

7. Admittedly, even a foreigner facing a criminal case is to be treated at par with an Indian citizen and has the right to seek bail. Although there remains uncertainty as to whether, after obtaining regular bail, such foreigners may move freely or are to be detained in a detention camp until the conclusion of the trial, and whether the State has made arrangements for such detention camps, it is noted that Umesh Chandra, a co-accused, had adopted the petitioner and with whom the petitioner had been residing, has already been granted bail. Therefore, taking note of these facts and considering the overall circumstances of the case, I am of the view that the continued detention of the petitioner will not serve any purpose, and he may be granted bail subject to certain conditions.

8. Accordingly, the petitioner, viz., Rupak Chandra Sen, shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two

sureties of Rs. 5,000/- each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mekhliganj, Cooch Behar, subject to the conditions that he shall not leave the jurisdiction of Haldibari Police Station without the permission of the trial court, shall appear before the trial court on every date of hearing until further orders, and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

9. In the event the petitioner fails to appear before the trial court without a justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law, without any further reference to this Court.

10. This application for bail is, thus, disposed of.

(Partha Sarathi Chatterjee, J.)