

09.09.2025  
Court No.04  
Item No.04  
Nandita

**CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI  
CRIMINAL MISCELLANEOUS JURISDICTION**

**CRM (R) 56 of 2025**

In Re: - An application for Bail under **Section 439** of the Code of Criminal Procedure, 1973/ **Section 483** of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Haldibari Police Station Case No. 97 of 2025 dated 14.06.2025 (G.R. Case No.347 of 2025)** under Section **14A of Foreigners Act.**

And

In the matter of: **Alam Rahaman @ Alom Rahaman @ Building**

....PETITIONER

Ms. Madhushri Dutta

...for the Petitioner

Mr. Ujjwal Luksom,

Ms. Namrata Das

....for the State

1. An application for Bail is filed under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Haldibari Police Station Case No. 97 of 2025 dated 14.06.2025 under Section 14A of the Foreigners Act.

2. It is said by the learned Advocate for the petitioner that he is the citizen of this country and was never a resident of Bangladesh. This petitioner has been falsely impleaded with the offence alleged and all the allegations as stated in the complaint are false and fabricated one. Moreover, the investigation process has already been completed by submitting charge-sheet by the investigating agency and as such

there is no requirement of further detention of this accused petitioner behind the bar.

3. Learned Advocate for the State conceded the fact that the investigation process is over and charge-sheet has been submitted by the prosecuting agency. It is said that there are incriminating materials in the record which show about involvement of this accused petitioner with the alleged offence and if at this stage this accused petitioner is enlarged on bail then there is every possibility of hampering of progress of the trial.

4. Once the investigation stands concluded and the charge-sheet has been filed, the entire evidence that the prosecution seeks to rely upon is already before the Court and in its custody and at that juncture, the justification for continued incarceration of the accused substantially diminishes, for there remains no necessity for custodial interrogation or any apprehension of interference with the process of investigation. Pre-trial detention cannot be resorted to as a punitive measure. Such an approach is clearly impermissible in law and would strike at the very foundation of the constitutional guarantee under Article 21 of the Constitution of India, which enshrines the right to life and personal liberty. The continuation of custody, in the absence of concrete material to demonstrate that the accused is likely to tamper with evidence, influence witnesses, or evade the trial, would thus amount to an unwarranted and unjustified curtailment of his fundamental right. This Court also cannot overlook the fact that, as per the present stage of proceedings, there is no immediate

prospect of conclusion of the trial in the near future. In these circumstances, to keep the accused confined in custody for an indefinite and uncertain period would amount to a virtual punishment before conviction, which the law does not countenance.

5. Accordingly, **CRM (R) 56 of 2025** is **allowed**.

In view of above, the petitioner namely, **Alam Rahaman @ Alom Rahaman @ Building** is enlarged on bail on furnishing a bond of Rs. 20,000/- (Twenty Thousand) with two sureties of like amount each subject to the satisfaction of Learned Additional Chief Judicial Magistrate, Mekhliganj, Coochbehar subject to the conditions that he 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.

6. In the event of any violation of the conditions enumerated in the preceding paragraph, the Learned Additional Chief Judicial Magistrate, Mekhliganj, Coochbehar or the learned Trial Court shall be at liberty to cancel the petitioner's bail in accordance with law, without any further reference to this Court.

7. Urgent Photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

**(PRASENJIT BISWAS, J.)**