

12.09.2025
Court No.04
Item No.02
Nandita

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

CRM (R) 59 of 2025

In Re: - An application for Bail under Section **483** of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with **Kuchlibari
Police Station Case No. 103 of 2025, dated 23.07.2025 (G.R. Case
No.424 of 2025)** under Sections **14A/14C of the Foreigners Act.**

And

In the matter of: **Smt. Manju Rani Mondal @ Mandal**

....PETITIONER

Mr. Kalipada Das

...for the Petitioner

Mr. Kallol Acharjee,
Mr. Dhiman Sil

....for the State

1. An application for bail is filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Kuchlibari Police
Station Case No. 103 of 2025, dated 23.07.2025 under Sections 14A/14C of
the Foreigners Act.

2. It is said by the learned Advocate for the petitioner that this petitioner
is in custody since for a considerable period of time. This accused petitioner
is a citizen of this Country and the investigation process has been
substantially done and no purpose will be served by detaining this accused
petitioner behind the bar further for the sake of custodial interrogation. This
petitioner was arrested on the ground of suspicion and she never went to
Bangladesh. So, it is prayed that this accused petitioner may be enlarged on
bail.

3. Learned Advocate for the State raises objection. The learned Advocate as his usual fairness submits that the Voter Card, Ration Card, Sasthosathi Card and the Birth Certificate of the daughter of the petitioner show prima facie that she is the citizen of this country. It is further contended by the learned Advocate that the investigation process has not yet been exhausted and it is still going on.

4. It appears from the report submitted by the ASI of Kuchlibari Police Station, District Coochbehar that after verification of the documents of the petitioner he has found that the Voter Card, Ration Card, Sasthosathi Card and the Birth Certificate of the daughter of the petitioner prima facie stand in her name showing that she is the citizen of this country. It is an admitted position on record that the accused person has been languishing in custody for a considerable period of time. The prolonged detention of the accused has already served the purpose of facilitating investigation to a significant extent. It is also evident from the materials placed before this Court that the investigation process is still pending and is yet to be concluded. However, the continued incarceration of the accused during such stage, when no further custodial interrogation is shown to be necessary, does not appear to be warranted. In the present case, there is no specific or cogent material before the Court to suggest that further detention of the accused would advance the investigation in any meaningful manner.

5. On the contrary, her prolonged detention, without demonstrable necessity, would amount to inflicting undue hardship and subjecting this accused petitioner to pre-trial punishment, which is impermissible in law. Once the investigating agency has/ had sufficient opportunity of custodial interrogation and the progress of investigation does not necessitate the physical custody of the accused any longer, her further detention behind

the bar cannot be justified. Moreover, this accused petitioner is female and is in custody since for fifty days. So, I find that no purpose will be served by the detaining her further behind the bar.

6. Accordingly, **CRM (R) 59 of 2025** is **allowed**.

7. In view of above, the petitioner namely, **Smt. Manju Rani Mondal @ Mandal** 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 and subject to the conditions that she shall not intimidate witnesses or tamper with evidence in any manner whatsoever, and she shall not leave the jurisdiction of Kuchlibari Police Station without taking prior permission of the learned Trial Court and the Investigating Agency.

8. 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.

9. Urgent Photostat Certified Copy of this order may be supplied to the parties expeditiously, if applied for.

(PRASENJIT BISWAS, J.)