

25.03.2026

Court No.35.

D/L. 57.

Kausik

(Rejected)

CRM (M) 287 of 2026

In Re: An Application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023/ Section 439 of the Code of Criminal Procedure, 1973 in connection with Swarupnagar Police Station Case No. 774 of 2025 dated 02.12.2025 under Sections 14A(b)/14C of the Foreigners Act, 1946 read with section 12 of the Passport Act, 1967.

And

In the matter of : Jhumpa Khatun @ Sabina Khatun & Anr.

.....Petitioners.

Mr. Kallol Mondal, Sr. Adv.

Mr. Krishan Ray

Mr. Souvik Das

Mr. Anamitra Banerjee

Ms. Moupia Chakraborty

.....for the Petitioners.

Mr. S.S. Imam

Ms. Rita Datta

.....for the State.

Learned advocate appearing for the petitioners submits that petitioners are in custody for about 100 days.

Learned advocate submits that the petitioners are Indian Nationals. Their name has been altered and has been labeled as Bangladeshi Nationals. It has also been contended that the petitioners have all the documents in their custody and have validly left India on an Indian Passport and VISA.

Learned advocate for the State opposes the prayer for bail and submits that the documents which have been relied upon and the persons who have been arrested are not one and the same.

The attention of the Court is drawn to the genesis of the case wherein it reflects that BSF intercepted four suspected persons (two male, one female and a girl child) who were approaching in a bike towards Bangladesh side and coming from Swarupdah India via Hakimpur Check post. While checking/frisking, their identity was questioned, no legal documents could be produced that they were Indian. But one male amongst them produced Aadhaar Card to prove its identity as Indian. Consequent to such interception, the concerned personnel of BSF, with the aid of the Senior, complained to the Officer-in-Charge, Swarupnagar Police Station. Pursuant to which the present case was initiated. There are documents which have been collected by the Investigating Agency which reflects that the place of birth of Petitioner Nos. 1 and 2 both are at Khulna, Bangladesh.

Having considered the sensitivity of the place from where the petitioners were intercepted and the supporting documents placed by the State, I am not inclined to release the petitioners on bail.

As such, the prayer for bail of the petitioners are rejected.

Accordingly, CRM (M) 287 of 2026 is **dismissed**.

The learned Trial Court would overcome the stage of consideration of charges within 30th April, 2026 and thereafter try to conclude the trial by completing at least one witness a month.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)