

23.06.2026
Court No.28
Item No.33
tbsr
Allowed

CRM (A) 1582 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Goalpokher** P.S. Case No. **466 of 2025** dated **04.08.2025** under Sections **319(2)/336(2)/336(3)/340(1)/340(2)** of the Bharatiya Nyaya Sanhita, 2023 read with Section 14 A(b) of the Foreigners Act, 1946, charge sheet under Sections 319(2)/336(2)/336(3)/340(2) of the BNS read with Section 14 A(b) of the Foreigners Act, 1946, supplementary charge sheet under Sections 319(2)/336(2)/336(3)/340(2) of the BNS read with Section 21/22/24 of the Immigration and Foreigners Act, 2025.

And

In the matter of: Khudiram Biswas @ Kshudiram Biawas

....Petitioner.

Mr. Rudradipta Nandy
Ms. Chandrima Debnath
...for the petitioner.

Mr. Sandeep Prasad Shaw
.....for the State.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is presently aged about 80 years. Although the principal accused, who was a Bangladeshi national, had entered into India 12 or 13 years back and the same was detected much later after passing of the BNSS, instead of imputing the prevailing sections as on the date of commission of offence, the provisions of the BNSS were applied. Most of the provisions of the new Immigration and Foreigners Act do not apply to the present petitioner. Although the petitioner was not named in the FIR, he has now been named in the charge sheet and the supplementary charge sheet. The petitioner is one Khudiram Biswas who has no connection with the said foreigner who had entered into India so many years ago.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. He relies on a document regarding one late Khudiram Biswas, who passed away 35 years ago and the statements of certain witnesses. He submits that the address of the illegal immigrant, who recorded his father's name as Khudiram Biswas, is different than the present petitioner.

Considering the above, the other materials available in the case diary and the fact that charge sheet has already been submitted, I am inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner shall surrender before the learned jurisdictional Court and pray for bail within four weeks from this date and regularly attend the jurisdictional Court and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

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

(Jay Sengupta, J.)