14.10.2026

Sl. No. DL 14
Court No. 550
ALLOWED

Asraf, A.R.(Ct.)

In the High Court at Calcutta

Criminal Miscellaneous Jurisdiction

Case No.

CRM (M) 2405 of 2026

In Re : An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973 filed

in connection with

Petrapole Police Station case no.85 of 2025 dated 09.09.2025 under Sections 319(2), 338, 336(3) and 340(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 21 and 22 of the Immigration and Foreigners Act, 2025.

-AND-

In the matter of :

NAZIR MONDAL

.....*Petitioner*

For the Petitioner :

Mr. Sekhar Kumar Basu, Sr. Advocate
Mr. Antarikhya Basu
Mr. Sayan Mukherjee

...*Advocates*

For the State :

Mr. Sayak Chakraborty
Mrs. Pritha Sinha

...*Advocates*

1. Learned counsel for the petitioner submits that the petitioner is in custody for one year and one month. The petitioner has produced all genuine documents before the police authorities showing that he is an Indian citizen. The Indian Passport of the petitioner has been seized by the police authorities. The petitioner has been falsely implicated in this case. Learned counsel for the petitioner further submits that his name also appeared in the 2002 Voters List and the Special Intensive Revision (SIR) allowed his name to be incorporated in the same Voters List.

2. The erstwhile Investigating Officer of this case, Mr. Sayan Patra is present in Court. On query of the Court, he submits

that after sending the request for verification of the necessary documents to the concerned authorities, he was transferred to Bagda police station.

3. Learned counsel for the State vehemently opposes the prayer for bail of the petitioner and submits that there are sufficient incriminating materials against the petitioner and as such, the prayer for bail should be rejected. She submits a report dated 13.10.2026 which is taken on record. Learned counsel for the State has further submitted a copy of a letter dated 31.10.2025 being a verification report issued by the Assistant Passport Officer, Kolkata, Ministry of External Affairs, Regional Passport Office, 4 Brabourne Road, Kolkata–700001 wherefrom it appears that the Indian Passport having no.V3716449 in the name of Nazir Mondal is valid up to 29.11.2031.

4. I have gone through the materials on record. It appears that the Indian passport in the name of the petitioner was granted by the concerned authority of India. It also appears that the petitioner was a voter as per voter list of 2002.

5. Considering all aspects of the matter, I am of the opinion that the petitioner may be enlarged on bail.

6. Accordingly, the prayer for bail of the petitioner stands **allowed**.

7. As such, the petitioner shall furnish bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of Rs.5,000/- (Rupees Five Thousand only) each, one of whom must be local to the satisfaction of the learned Additional Chief

Judicial Magistrate, Bongaon, North 24 Parganas subject to condition that the petitioner shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and also on further condition that the petitioner shall be physically present on each and every date before the learned Trial Court in seisin of the case. The petitioner shall remain within the jurisdiction of Domjur police station and he shall meet the Inspector-in-Charge of the local said police station twice in a week until further order of the learned Trial Court. He shall not leave the jurisdiction of Domjur police station except for the purpose of attending Court.

8. In the event, the petitioner fails to comply with any of the conditions as mentioned hereinabove without justifiable cause, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

9. With the above observations, the instant application for bail is disposed of.

10. Case diary be returned to the learned advocate appearing for the State.

11. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Court.

12. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Apurba Sinha Ray, J.)