

CRM 6201 of 2021

In re : An application under Section 439 of the Code of Criminal Procedure, 1973 in connection with Bagdah Police Station Case No. 559/2021 dated 09.08.2021 under Sections 14/14C of the Foreigners Act, 1946.

In the matter of : **Sudha Rani Das @ Sudha das**

..... petitioner

Mr. Mrityunjoy Chatterjee
Mr. Susnigdho Bhattacharyya

....For the petitioner

Mr. Santanu Deb Roy

.....For the State

It has been fairly submitted by the learned advocate appearing for the State that, the ration card and the residential certificate, as relied upon by the petitioner in this application for bail, are genuine.

Prima facie, I am satisfied with regard to the citizenship of the petitioner.

Accordingly, the petitioner shall be released on an interim bail subject to furnishing a bond of Rs.5,000/- (Rupees Five Thousand Only), with one surety of like amount, to the satisfaction of the learned Additional Chief Judicial Magistrate, Bangaon, North 24-Parganas.

It is the experience of the Court that in several cases, the religious minorities from Bangladesh are being prosecuted under Section 14/14C of the Foreigners Act, 1946 by the State. The Citizenship Act, 1955 has been amended by inserting a proviso to Section 2, Sub-section 1 of the said Act. The said proviso reads as follows:-

“Provided that any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of December, 2014 and who has been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 or from the application of the provisions of the Foreigners Act, 1946 or any rule or order made thereunder, shall not be treated as illegal migrant for the purposes of this Act;”

Let a notice be issued by the Registry to the learned Advocate General to disclose the stand of the State Government with regard to the application of Foreigner Act, 1946 to the persons belonging the communities as indicated in the aforesaid proviso.

List this matter after two weeks under the same heading.

(Kausik Chanda, J.)