

IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
2ND COURT, BANGAON, NORTH 24 PARGANAS.

Present: Smt. Kumkum Singha (WB00712)
Additional Sessions Judge, 2nd Court,
Bangaon, North 24 Parganas.

ST-01(12)2025
(CNR No. WBNP06001601-2025)

Order No.11
07.04.2026

Today the record is placed before me on the strength of put up petition along with bail petition filed by Ld. Advocate on behalf of the accused Lucky Rudra who is in Judicial Custody.

The copy of bail petition is served to the Ld. PP.

Heard the petition from both sides.

It is submitted by Ld. Defence Counsel that as per latest amendment of Immigration Act any minority community of Bangladesh, Afghanistan..... if compelled to enter into this country due to communal torture that person will get the opportunity to consider as Indian Citizen. In this case the present accused is Hindu and she entered Indian territory due to insurgence at Bangladesh and thus her entry should not be considered as illegal and she may be thus enlarged on bail in view of the latest incorporation of Immigration Rule in the year 2025. It is further submitted that moreover at the time of submission of charge sheet it has not been specifically mentioned which documents have been forged. The charge has been framed and the case is now at the stage of evidence and if the accused may be released on bail at this stage there is no chance of tampering of evidence or her abscondence. It is also mentioned by Ld. Defence Counsel that Hon'ble High Court in other cases of same nature considered the bail petition and has been pleased to pass order enlarging the accused on bail even if he or she is foreign national. Thus Ld. Court can consider the bail petition and the accused person may be enlarged on bail at this stage.

Ld. PP raises strong objection against such bail petition. It is further submitted that the factual aspect referring which Ld. Defence Counsel mentioned the specific provision of Immigration Rule that will not be applicable in this case. Admittedly she is a foreign national by birth (Bangladeshi) and thereafter she prepared some fake documents as Indian Citizen and the Passport was issued in her favour on the basis of those forged documents. So, the allegation in this case not only in respect of any foreign national staying without document in our country at the same time the allegation is also of forging documents of identity as Indian Citizen. The case is at the stage of evidence and thus if the accused is enlarged on bail there is every chance of abscondence of that accused fleeing to Bangladesh and thus the bail prayer must be rejected.

Considered the submission of both sides. I am of view the bail order in respect of other case has no binding effect in this case and the present facts and circumstance do not inspire my judicial conscience to enlarge her on bail. The accused is in custody and the case is already taken into the core of evidence so there is no chance of being prejudiced by the accused and thus the bail prayer is rejected on contest.

To date.

Dictated & Corrected by me

ADJ-2, Bangaon, North 24 Parganas.

Additional District & Sessions Judge,
2nd Court, Bangaon, North 24 Parganas