

**23.03.2026**  
Court No. 29  
D/L.  
Item no.09  
Rakib

**CRR 1121 of 2026**

**Sampa Sarkar.**  
**VS**  
**State of West Bengal & Anr.**

Mr. Rajdeep Mazumder, Sr. Adv,  
Mr. Sayan Mukherjee.

...for the Petitioner

Mr. Suman De  
Mr. Santanu Deb Roy

...for the State

The petitioner herein has prayed for quashing of the proceeding being G.R. case no. 4106 of 2025 pending before the learned Additional Chief Judicial Magistrate, Bongaon, 24 Parganas (North). Being aggrieved by the impugned proceeding learned counsel appearing for the petitioner submits that the petitioner has been implicated under Section 21 of the Immigration and Foreigners Act, 2025. He further submits that under the notification dated 1<sup>st</sup> September, 2025, a person belonging to a minority community in Afghanistan, Bangladesh and Pakistan, namely, Hindu, Sikh, Buddhist, Jain, Parsi and Christian, who are compelled to seek shelter in India due to religious persecution or fear of religious persecution and entered into India on or before the 31<sup>st</sup> of December, 2024, with or without valid documents are exempted to be levelled as a foreigner. In the present case the report submitted by the police clearly states that the petitioner is a hindu and she entered into India on 7<sup>th</sup> of December, 2024. He therefore, submits that the provisions of Section 21 of the Act of 2025 does not attract in respect of the present petitioner. However, after completion of investigation police has

submitted charge-sheet against the petitioner under Section 21 of the Act of 2025. The petitioner herein made a bail prayer before the Court below and learned Trial Court while granted the bail has imposed onerous conditions which states as follows:

*“That the accused is further directed to submit affidavit by the person in whose house accused is residing with condition that if the accused leave his/her house, he/she shall immediately intimate the same before this court and the accused as well as local surety shall not leave jurisdiction of the Court without permission of the Court.*

*The Foreign Regional Registration Officer may endorse the VISA / travel documents of the above accused, if any, prior to her release from the Correctional Home and such endorsement can carry a limited validity co-terminus with the completion of her trial.*

*Superintendent Bongaon Sub Correctional Home where the accused custody shall ensure that she be released only on proper endorsement of her VISA / travel document, if any. If there is no VISA then Superintendent Bongaon Sub Correctional Home shall work out with Foreign Regional Registration Officer, Superintendent of Police Bongaon PD regarding imposing condition pursuant to Immigration and Foreigners Act 2025 for ensuring limited stay of the accused prior to her being pushed back in accordance with law.”*

Having heard the learned counsel appearing for the petitioner the application is admitted.

Let the matter be listed for hearing on **6<sup>th</sup> of April, 2026** within first five matters of the day's list.

Mr. Mazumder, learned senior counsel appearing for the petitioner seeks for an interim relief.

Having heard the learned counsel for the petitioner and that the petitioner has made out an arguable case. Let the conditions imposed in the bail order dated 28.02.2026 in the above quoted portion is hereby stayed for a period of eight weeks or until further order whichever is earlier and if the petitioner furnishes bail bond as ordered, she may be released in terms of the order dated 28.02.2026 as if the above quoted portion does not exist in the order.

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

**(Dr. Ajoy Kumar Mukherjee, J.)**