

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 199 OF 2011
[ARISING OUT OF SLP (CRL.) NO. 9703 OF 2010]**

SOHEL AHAMMED MONDAL

..... APPELLANT

VERSUS

STATE OF WEST BENGAL

..... RESPONDENT

**[WITH CRIMINAL MISCELLANEOUS PETITION NO. 389 OF 2011 -
APPLICATION FOR AD INTERIM BAIL]**

O R D E R

1. Leave granted.

2. We have heard the learned counsel for the parties.

3. We see from the order of the High Court which has been impugned before us, that the appellant had applied for bail for an offence punishable under Section 14 of the Foreigners Act. A prayer had been made by the State counsel for an adjournment in order to verify the genuineness or otherwise of the documents that had been filed along with the bail application. Instead of granting this prayer, which was opposed by the counsel for the appellant and also instead of hearing or adjourning the matter, the Bench dismissed the application on a consideration of the materials collected during the police investigation. We find

that in the facts of the case, it would be appropriate that the matter be remanded to the High Court for decision afresh. We, accordingly, allow this appeal, set aside the order dated 26th July, 2010, which has been impugned, and remit the case to the High Court. We clarify that nothing said herein would be a reflection on the merits of the controversy.

.....J
[HARJIT SINGH BEDI]

.....J
[CHANDRAMAULI KR. PRASAD]

NEW DELHI
JANUARY 18, 2011.

