

03.03.2021
Court No.28
rpan /513

CRAN 4 of 2020
in
C.R.M. 11868 of 2017
(Via Video Conference)

In Re:- An application under section 439(1)(b) of the Code of Criminal Procedure in connection;
And

In Re : **Dr. Rupendra Kumar Brahma @ R. K. Brahma**
- Applicant / Petitioner.

Mr. Bikash Ranjan Bhattacharya,
Mr. Syed Shahid Imam,
Ms. Nandini Mitra,
Ms. Shaika Khan
....for the applicant / petitioner.
Mr. Neguive Ahmed,
Ms. Amita Gaur
....for the State.

Mr. Bhattacharya, learned advocate appearing for the applicant/petitioner submits that the petitioner is 84 years old and is a permanent resident of KB-16, Sector III, Salt Lake, Kolkata – 700 098 where he intends to return and cannot enter pursuant to the order dated 25th September, 2019 which was lastly passed in connection with CRM 11868 of 2017. The petitioner was enlarged on bail on 1st May, 2018 and had been staying out of his residence for two years and ten months.

Mr. Ahmed, learned advocate appearing for the State opposes the prayer for relaxation and submits that there are nine witnesses, who are staying in and around the said address, who could be intimidated and evidence could be tampered and as such, the trial may be jeopardised.

We have taken into account the submissions of the rival parties and having regard to the age of the petitioner and the period for which he was staying outside his residence, we are inclined to relax the said condition for a period of three months.

The petitioner would be at liberty to stay at his residence at KB Block, Salt Lake. While staying at the said address, the petitioner shall report to the Officer-in-charge, Bidhannagar (South) Police Station once a week.

The petitioner will be at liberty to make appropriate application after the said period is over.

Accordingly, the application, being CRAN 4 of 2020, is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)