

(via video conference)

23 06.10.2020

Dd

**CRM 6378 of 2019
with
CRAN 46 of 2020**

In the matter of : **Shri Kalosona Mondal**
.....Petitioner/applicant

Mr. Sandip Chakraborty
Mr. Anindya Bose
Mr. Diptendu Mandal
Mr. Ranjan Chakrabarti
....for the Petitioner

Mr. Negune Ahmed, Id. APP
Mr. Ashok Das
... ...For the State

In Re : CRAN 46 of 2020

This is an application for relaxation or modification of anticipatory bail. A co-ordinate Bench while considering an application for anticipatory bail of the petitioner, allowed the prayer for anticipatory bail on 22nd July, 2019, relevant portion whereof is quoted below :-

"Having considered the materials on record and bearing in mind the nature of allegations in the light of the aforesaid submission made on behalf of the petitioner, we are of the opinion, though custodial interrogation of the petitioner may not be necessary, the movement of the petitioner requires to be restricted in order to prevent commission of similar offences.

In the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs, 10,000/- with two sureties of like amount each to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438 (2) of the

Code of Criminal Procedure, 1973 and on further condition that the petitioner shall not leave the jurisdiction of Suri P.S. while on bail until further orders except for attending the court proceeding and/or investigation and on condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date.

The application for anticipatory bail is, thus, disposed of.”

The petitioner, thereafter, approached the trial Court for a regular bail. While disposing of the application for regular bail the trial Court put a further condition that the accused shall meet the Investigating Officer once in a week until further order. The conditions of a regular bail may be different from a conditions of anticipatory bail. Having regard to the fact that investigation is not yet complete and the charge sheet has not yet been filed, it is imperative that the petitioner should meet the Investigating Officer so that the final report be prepared by the Investigating Officer.

The learned counsel for the petitioner submits that due to misapprehension and misreading of the two orders, namely, the order passed by the Coordinating Bench on 22nd July, 2019 and the order passed by the trial Court on 14th August, 2019 the petitioner did not attend the police station.

Under such circumstances, we dispose of this application by recording that the petitioner shall abide by the directions of the trial Court dated 14th August, 2019 amongst others shall meet the Investigating Officer once in a week until further orders. The petitioner shall, accordingly, approach the trial Court upon compliance of the bail conditions for relaxation, if there is situation arises.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)

