

Sl No.197
04.02.21
Ct. 28
(S.R.)

CRAN No.1 of 2020
in
CRM No.11946 of 2019

In Re: - An application for relaxation of conditions of bail under Section 439(1)(b) of the Code of Criminal Procedure (CRAN 1 of 2020) filed on 15.09.2020.

And

In the matter of: **Biswajit Baidya & Anr.**

...Petitioners.

Mr. Kusal Kr. Mukherjee

... for the petitioners.

Mr. Saibal Bapuli, Ld.APP

Ms. Sayanti Santra

...for the State.

The petitioners were granted anticipatory bail by an order dated 17th December, 2019 in CRM No.11946 of 2019. The learned advocate for the petitioners draws the attention of this Court that while the prayer under Section 438 of the petitioners was allowed, the same were subject to the conditions "*that the petitioners while on bail shall not enter the jurisdiction of **Kaliganj** P.S. except for the purpose of investigation and attending court proceeding and shall report to the concerned officer in charge within whose jurisdiction they shall reside while on bail once in a week until further orders and shall provide the address where they shall presently reside to the investigating officer as well as court below while on bail and shall appear before the court below and pray for regular bail within four weeks from date.*"

Pursuant to the said order the petitioners surrendered before the learned Special Judge under the POCSO Act,

Krishnagar, Nadia. The learned court below while allowing the prayer for bail did not impose any condition. However, the learned advocate for the petitioners submits that since conditions were imposed in the order dated 17th December, 2019 in CRM No.11946 of 2019 wherein the petitioners' anticipatory bail was allowed, the petitioners had been diligently following the same.

We make it clear that once the petitioners have surrendered before the learned trial court in compliance with the order passed by the High Court, the order of anticipatory bail merges with the order of bail and the conditions which are imposed by the learned trial court are to be followed or complied with.

In view of the aforesaid, the petitioners need not adhere to the conditions earlier imposed in CRM No.11946 of 2019 vide order dated 17th December, 2019.

Accordingly, the application for relaxation of condition of bail being CRAN No.1 of 2020 is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)