

09.08.21
(S.R.)
Sl.04
Ct.30

CRM No.4202 of 2020

with

CRAN No.2 of 2020

Via video conference

In re: An application for modification of bail, being CRAN No.2 of 2020;
And

In re: Barun Biswas & Ors.

... petitioners.

Mr. Navanil De

Mr. Rajeshwar Chakraborty

... for the petitioners.

Mr. Imran Ali

Mr. Mirza Firoj Ahmed Begg

...for the State.

Mr. Mrityunjoy Chatterjee

Mr. G.N. Imrohi

... for the *de facto* complainant.

This is an application for modification of anticipatory bail order, granted on 19th June, 2020 in connection with CRM No.4202 of 2020 and CRAN No.2391 of 2020.

Learned advocate for the petitioners submits that in spite of order favouring the petitioners with anticipatory bail, the petitioners have failed to enjoy the fruits of the order, because of some conditions being put therein. It is submitted further that in view of the financial stringency, the petitioners have not been able to furnish the security amount to the extent, as mentioned in the order, and as such, they have not been even able to surrender before the court below resulting in them to suffer serious prejudice.

Learned advocate for the petitioners also submits that in compliance of the bail order, the petitioner no.1 has already deposited maintenance to the tune of Rs.8,000/- per month thrice, but subsequently due to financial distress, the petitioner no.1 has not been able to continue the same by paying the amount to the extent, as

directed.

Learned advocate for the State is present. According to the State, the conditions granting anticipatory bail may be waived subject to making strict observance of the conditions of the order.

In course of hearing, it is brought to our notice that there was a proceeding initiated under Section 125 of the CrPC by the wife of the petitioner no.1, and subsequently the wife of the petitioner no.1 did not pursue the same, and as a result thereof, that maintenance proceeding was dismissed for default.

Having considered the submissions of both sides and bearing in mind the financial sufferings, as expressed by the petitioners, we modify the condition as regards furnishing of security of Rs.10,000/- (Rupees Ten Thousand), to Rs.5,000/- (Rupees Five Thousand) only. Other conditions will, however, remain unchanged.

The order dated 19th June, 2020 stands modified to the extent as above.

The application being CRAN No.2 of 2020 is disposed of.

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

(Subhasis Dasgupta, J.)

(Tapabrata Chakraborty, J.)