

17.02.22
(S.R.)
Sl.01
Ct.32

IA No.: CRAN 2 of 2021
in
CRM No.11668 of 2019
Via video conference

In re: Sagnik Dey @ Sagnin Dey

... Applicant.

Mr. Rajdeep Mazumder
Mr. Moyukh Mukherjee
Mr. Abhijit Singh ... for the applicant/petitioner.

Mr. Saswata Gopal Mukherjee, Ld. PP
Mr. Swapan Banerjee
Mr. Nirupam Dhali ...for the State.

Mr. Sabyasachi Banerjee
Mr. Sourav Chatterjee
Mr. Soumya Nag ... for the *de facto* complainant.

Records reveal that the applicant/petitioner was enlarged on bail by an order dated 3rd January, 2020 passed in CRM No.11668 of 2019 on conditions, *inter alia*, that he shall deposit his passport with the learned trial court and shall not travel out of India without leave of the Court. Pursuant to such direction, he has already deposited the passport with the learned trial court. Subsequent thereto, he filed an application for relaxation of the condition of bail as incorporated in the said order dated 3rd January, 2020. The said application was disposed of by a Coordinate Bench of this Court by an order dated 4th March, 2020 with liberty to the petitioner to make the same prayer after the charge is framed. Subsequent thereto, the petitioner preferred a revision application for quashing of the proceedings. In the same an order was passed on 5th November, 2020 observing, *inter alia*, that 'in the meantime, further proceeding of ACGR case No.5731 of 2019 be stayed for a period of one month from this day. However, this order will not restrict the learned Additional Chief Judicial Magistrate, Alipore, to commit the case to the learned Sessions Judge and if such case is

committed, the learned Sessions Judge will be restrained from further hearing of the case’. Subsequent thereto, the present application has been preferred by the petitioner renewing his prayer for relaxation of the conditions.

Mr. Mazumder, learned advocate appearing for the petitioner submits that the petitioner is the sole earning member of the family. He is presently employed in an American based company, namely, Thinkbyte Consulting Inc. Unless the conditions incorporated in the order dated 3rd January, 2020 are relaxed and the original passport is handed over to him, he would not be able to submit necessary application for renewal of H1B visa and as a consequence thereof, he may lose his job.

Placing reliance upon a report filed on behalf of the prosecution, Mr. Mukherjee, learned Public Prosecutor submits that the petitioner’s employer was contacted and it was found that the petitioner needs to apply for extension of H1B visa within 21st February, 2022. Let the report, as produced, be kept on record.

Mr. Banerjee, learned advocate enters appearance on behalf of the *de facto* complainant.

Answering our query, Mr. Mazumder submits that at the present juncture, a xerox copy of the passport is immediately required so that he can apply for extension of H1B visa.

Heard the learned advocates and considered the materials in the case diary.

It appears that unless a xerox copy of the passport is handed over to the petitioner, he would not be able to apply for extension of H1B visa. In such circumstances, we direct the officer-in-charge of

Women's Grievances Cell Detective Department to obtain a xerox copy of the passport from the learned court below and to hand over the same to the petitioner by 19th February, 2022.

All other points are kept open for consideration at the time of final hearing of the application.

Let the matter go out of the list for the present with liberty to mention with notice to the learned advocates appearing for the respective parties.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)