

CRR 652 of 2021

Tapan Singh @ Gabbar
Vs.
State of W. B.

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. S. G. Chowdhury
Mr. Argha Das
Mr. Abhishek Bose
..... For the Petitioner
Mr. S. G. Mukherjee, Ld. P. P.
Mr. Madhusudan Sur, Ld. A. P. P.
.....For the State

The impugned order dated 1st December, 2021 passed by the learned Special Executive Magistrate, Chandannagar Division, in NGR (Ex) No. 312/2020 requiring the petitioner to furnish a bond of Rs. 1 lakh with two sureties, one of whom must be school teacher and another must be local surety in connection with 110 Cr. P. C. proceeding is the subject of challenge in this revisional application.

Mr. Chowdhury, learned advocate representing the petitioner submits that with fixation of such onerous condition in the bond required to be furnished, the petitioner has been put to suffer unnecessary strain, and it would be impossible to arrange such surety in making due compliance of the order passed in this case.

Mr. Mukherjee, learned Public Prosecutor representing the State submits that upon due consideration of the nature of the conduct of the petitioner, the bond was directed to be furnished

conditioned by two sureties, which according to Mr. Mukherjee, must go uninterfered with.

Having considered the rival submissions of the parties and bearing in mind the fact that the petitioner is in custody, the very purpose of the 110 proceedings may be frustrated with fixation of such onerous conditions, and in that view of the matter some modification is thus necessary, as regards the condition of the bond. The learned Special Executive Magistrate is directed to proceed with the enquiry. The impugned order dated 1st December, 2021 is, thus, modified to the extent mentioned hereinbelow.

The petitioner be permitted to furnish a bond of Rs. 1 lakh with two sureties of Rs.50,000/- each, one of whom must be local surety. It is thus clarified that in arranging such two sureties, one of the registered sureties would be sufficient to make sufficient compliance of the order, passed by the learned Special Executive Magistrate, other than the local surety, as referred in the order itself.

With the aforesaid modifications, the order stands modified.

Other portions of the order shall remain unchanged.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis after compliance with all necessary formalities.

(Subhasis Dasgupta, J.)

