

23.03.2021

Item no.8.

Court No.1

AB/SDE (t)

(Via Video Conference)

C.R.M. No.10155 of 2020

**Ravindra Biyani
Vs
The State of West Bengal**

Mr. S. N. Mukherjee, Sr. Adv,
Mr. Anuj Singh,
Ms. Niharika Singh,
Mr. A. K. Singh ...for the Petitioner.

Mr. Swapan Kr. Banerjee,
Mr. Suman De ...for the State.

We have heard the learned Senior Counsel appearing for the petitioner in this application under Section 439(1)(b) of the Code of Criminal Procedure.

We have also heard Mr. Swapan Kumar Banerjee with Mr. Suman De for the State. Let their appointments be regularized.

The Trial Court has passed an order dated 19.10.2020 rejecting the petitioner's prayer for permission to travel abroad. That order reads as follows :

"The accused prayed for waived and/or relaxed the conditions of bail impose by Ld. Court upon the accused so that the accused can travel to Dubai, Africa and Europe for 25 days between 21st October, 2020 and 30th November, 2020. The accused also filed details of his proposed journey by a separate petition.

On perusal of the Petitioner, I find that the accused has stated that he wanted to be out of India from 21.10.2020 to 11.11.2020 and from 16.11.2020 to 30.11.2020. But in his petition for relaxation of conditions of bail, the accused prayed for

permission to travel for 25 days only whereas the actual date of his proposed journey is longer than that he prayed for. So, I find the petition filed by the accused are inconsistent.

In such circumstances, the petition dated 13.10.2020 for relaxation of condition of bail is hereby rejected.”

With the passage of time, we do not think that any useful purpose will be served by deciding any issue that is sought to be raised.

Hence, we dispose of this application clarifying that notwithstanding the afore-quoted order, the applicant will be at liberty to make such application as he may desire in due course before the Court below for any permission to travel abroad. Any such application will be decided within three weeks from the date on which the application is served on the Public Prosecutor. It shall be ensured that the application is decided without reference to the order dated 19.10.2020, which has been issued only by noticing the incongruity between certain facts and figures.

It is clarified that we have not stated anything on the merits of the matter.

With the aforesaid direction, CRM No.10155 of 2020 stands disposed of.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Thottathil B. Radhakrishnan, C.J.)

(Shampa Sarkar, J.)