

17.08.2022

Item No.5

Ct.No.34

dc.

C.R.A. 170 of 2020

with

C.R.A.N. 4 of 2022

In Re : An Application for relaxation of conditions of suspension of sentence being CRAN 4 of 2022.

And

In Re : **Badre Alam**

... Appellant.

Mr. Sandipan Ganguly, Sr. Adv.,
Mr. Karan Dudhwewala

... For the Appellant/Petitioner.

Mr. Anirban Mitra

... For the C.B.I.

Mr. Ganguly, learned senior advocate appearing for the appellant submits that the appellant/petitioner has been detected with cancer and is presently admitted at a hospital in Mumbai. According to the learned senior advocate, the order dated 16.09.2020 granting bail to the petitioner on condition that the petitioner shall appear before the appropriate authorities once a month and record his attendance before the concerned officer is creating difficulties in view of the petitioner not staying in the State of West Bengal and because of treatment, he is staying at Mumbai.

Mr. Mitra, learned advocate appearing for the CBI files a report in the form of affidavit. Let the same be kept on record.

It reflects from the said affidavit that there is no complaint of violation of any condition.

In view of the submissions advanced by the learned advocate appearing for the petitioner/appellant, I direct that the earlier condition so imposed on 16.09.2020 be modified to the extent that for the next six months, the surety, who has furnished the bond on behalf of the petitioner, shall once a month file an affidavit before the trial court stating the address of the petitioner, place of treatment, if the petitioner is admitted in any hospital or nursing home and the availability of the petitioner at the time of hearing of the appeal. Such affidavit would be filed before the learned trial court.

Learned trial court, after receipt of the same, would submit a report through the learned Registrar (Judicial Service), High Court, Calcutta which would be tagged along with the records of this appeal.

Mr. Ganguly draws the attention of the Court to the treatment-sheet which reflects in respect of a 12 months' tenure.

Be that as it may, the petitioner/appellant would be at liberty to take out an appropriate application, if, within the aforesaid period of six months, there are no change of circumstances.

With the aforesaid observations, the application being CRAN 4 of 2022 is disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)