

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 2109 of 2022

Abir Roy
-Vs-
The State of West Bengal

For the Petitioner: Mr. Sudip Ghosh Chowdhury, Adv.,
 Mr. Argha Das, Adv.,
 Mr. Abhishek Bose, Adv.

For the State:- Mr. Madhusudan Sur, Adv.,
 Mr. Manoranjan Mahato, Adv.

Heard on: 23 August, 2022.

Judgment on: 23 August, 2022.

BIBEK CHAUDHURI, J. : –

1. The order dated 27th April, 2022 passed by the learned Special Executive Magistrate, Chandannagar Division, Chandannagar Police Commissionerate in NGR (E) No.380 of 2022 under Section 110 of the Code of Criminal Procedure is impugned in the instant criminal revision.

2. It is submitted on behalf of the petitioner that on the basis of a complaint submitted by a Police Officer attached to Chandannagar Police Station a proceeding under Section 110 of the Cr.P.C was initiated against the petitioner before the learned Special Executive Magistrate, Chandannagar Division, Chandannagar Police Commissionerate. On 27th

April, 2022, the learned Magistrate took cognizance upon the said complaint and directed the petitioner to appear before him on 18th May, 2022 directing him to show cause as to why he shall not be directed to furnish a bond of good behaviour under Section 110 of the Cr.P.C of Rs.50,000/- with three sureties, each of whom shall be reputed person and Gazetted Officer working for a period of three years.

3. The petitioner failed to execute such bond of good behaviour by the stipulated sureties. Therefore, he is taken to custody and till date he is in custody since 18th May, 2022.

4. It is submitted on behalf of the petitioner that Section 110 of the Cr.P.C provides that in an appropriate case falling under Clauses (a) to (g) the Executive Magistrate may require such person involved in any offence falling under Clauses (a) to (g) to show cause as to why he should not be ordered to execute a bond, with sureties for his good behaviour as the Magistrate thinks fit. It is also contended by the learned Advocate for the petitioner that the nature of bond should not be punitive or coercive only to detain the petitioner in custody.

5. Mr. Madhusudan Sur, learned P.P-in-Charge on the other hand submits that the petitioner is a habitual offender as many as nine numbers of criminal cases involving serious offences are pending against the petitioner. Therefore, the learned Executive Magistrate imposed the condition of furnishing bond of good behaviour against the petitioner. There is no reason to reconsider or modify the impugned order dated 27th April, 2022.

6. Having heard the learned Advocates for the parties, and on perusal of the order dated 27th April, 2022 it appears to this Court that the petitioner was directed to submit three bonds of Rs.50,000/- each to be executed by three reputed persons, one of whom will be a Gazetted Officer, the second one will be a teacher and the third one is a local surety.

7. It is needless to say that a Gazetted Officer or a School Teacher, being a government employee will not stand as surety for the petitioner. Thus, it is prima facie clear that the conditions of the bond were imposed by the Special Executive Magistrate in such a way that the petitioner may not execute any bond of good behaviour and he should be detained in custody.

8. Under such circumstances, the order dated 27th April, 2022 is modified by the following order:- the petitioner be directed to submit bond of good behaviour amounting to Rs.50,000/- each to be executed by three respectable person who are the residence of Chandannagar, Hooghly. The Executive Magistrate shall have the authority to accept such bond under the same terms and conditions as per order dated 27th April, 2022.

9. With the above order the instant revision is disposed of.

(Bibek Chaudhuri, J.)