

03.02.2022

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Ct. No. 29

KAUSHIK

OP

**C.R.M. 5850 of 2021
(CRAN 1 of 2021)**

In Re:- An application for cancellation of bail under
Section 439(2) of the Code of Criminal Procedure.

And

In Re : Estayaque Ahmed @ Istiyaqu Ahmed
@ Gaffar Istak

..... petitioner

Mr. Kaustav Bagchi
Mr. Debayan Ghosh

....for the petitioner

Mr. Avik Ghatak
Mr. Soham De Dhara
Ms. Afreen Begum

....for the opposite party

Mr. Neiguive Ahmed
Ms. Ayantika Ray

....for the State

Petitioner seek cancellation of bail granted by this Hon'ble
Court by the order dated March 2, 2020 in CRM 2204 of 2020
on the ground that the Opposite Party No. 2 violated the
conditions of bail.

Learned advocate for the petitioner submits that, by the
order dated March 2, 2020, inter alia, two conditions were laid
down. He submits that, one of the conditions was that the
petitioner shall not enter the jurisdiction of North 24-Parganas
until further orders except for attending Court proceedings.
The other condition was that the petitioner will provide the

address where the petitioner is presently residing to the Investigating Agency and the jurisdictional Court. He submits that, the petitioner provided the residential address to the Jurisdictional Court only on September 17, 2020. He contends that the ongoing pandemic cannot be cited as a reason for non-compliance of the conditions of bail.

State and the opposite party no. 2 are represented.

The petitioner is pressing the ground of non-furnishing of the address to the Jurisdictional Court.

It appears from the affidavit-in-opposition that the Opposite Party No. 2 furnished the address of the residence of the Opposite Party No. 2 to the Jurisdictional Court, which was recorded by the order dated September 17, 2020.

Learned advocate for the opposite party No. 2 submits that, onset of the pandemic prevented the opposite party No. 2 from informing the Jurisdictional Court of the residential address immediately subsequent to the order dated March 2, 2020.

Judicial notice should be taken of the fact that the Hon'ble Supreme Court passed an order extending the period of limitation with effect from March 8, 2020 on the ground of the ongoing pandemic. There is no denying the impact of the ongoing pandemic.

The order granting the bail is March 2, 2020. At that point of time, the pandemic was setting in. Onset of the pandemic impacted the functioning of the Court also.

In such circumstances, we are of the view that in the facts of the present case, the petitioner cannot be said to be in non-compliance of the conditions of bail granted on March 2, 2020. We, therefore, find no merit in the present writ petition.

C.R.M. 5850 of 2021 along with CRAN 1 of 2021 are disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)