

CRR 2375 of 2019

In Re: - An application under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973.

And

In the matter of: Bidyut Naskar @ Bidhut Naskar @ Biduit

.... Petitioner

Mr. Sourav Chatterjee,
Mr. Soumya Nag

...for the Petitioner

Mr. Swapan Banerjee,
Ms. Sriparna Das

...for the State

Petitioner was granted anticipatory bail by the learned Sessions Judge, Alipore, South 24 Parganas in connection with Patuli Police Station Case No. 48 of 2019 dated March 18, 2019, under Sections 498A/326A/376/34 of the Indian Penal Code, 1860 and 3/4 of the Dowry Prohibition Act, 1961 with added Sections 306 and 311 of the Indian Penal Code.

The conditions imposed by the learned Sessions Judge while granting the anticipatory bail were as follows:

“The accused/petitioner is directed to surrender before the Ld. Magistrate within ten days from the date of this order and in case of his surrender, the petitioner shall be released on bail of Rs. 30,000/- with two sureties of Rs. 15,000/- each, one of whom must be local (registered deed not older than ten years) with a direction that he must be present on each date fixed till the trial ended, subject to the

compliance of the provisions of section 438 (2)
Cr.P. C.”

Petitioner, thereafter, filed an application for modification of the said conditions which was turned down by the learned Sessions Judge on August 07, 2019.

I am of the view that the learned Sessions Judge ought to have considered the difficulty faced by the petitioner in arranging a local surety with a registered deed not older than ten years.

I do not see any justification for insisting on a surety having a registered deed not older than ten years.

Accordingly, the conditions imposed by the learned Sessions Judge in the order dated July 29, 2019, is modified as follows:-

In the event of arrest, the petitioner shall be released on bail, subject to furnishing bond of Rs.15,000/-, with two sureties of like amount, one of whom must be local to the satisfaction of the learned Additional Chief Judicial Magistrate at Alipore with the further condition that the petitioner shall be present on each date fixed for the trial and comply with the provisions of Section 438 (2) of the Code of Criminal Procedure, 1973.

Let urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Kausik Chanda, J.)