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CRM (DB) 4158 of 2022
(CRAN 1 of 2023)

In Re : An application for relaxation of condition of bail.
AND

In Re : Sanjay Malik petitioner

Mr. Jitendra Singh Bhasin
Mr. Nishant Shokeen
Mr. Subhajit Karmakar
Mr. Buddhadeb Das
..... for the petitioner

Mr. Rudradipta Nandy, learned APP
Mrs. Sonali Das
..... for the State

Learned Counsel for the petitioner submits he has complied with the conditions of bail i.e. not to leave the jurisdiction of State of West Bengal and provide the address where he is presently residing to the investigating agency as well as court below and to report to SI Sankar Das, Murshidabad DD, Criminal Investigation Department (CID), West Bengal once in a fortnight until further orders. After filing of the application on one occasion he failed to appear due to illness. He relies on a certificate showing his client was Covid positive.

Learned Counsel for the State submits that medical certificate relied on by the petitioner is not genuine. He submits report enclosing materials in support of his contention.

These submissions are denied and disputed by the petitioner.

We have considered the materials on record. Investigation is complete. Petitioner has prayed for discharge in the case. Possibility of commencement of trial is bleak. Petitioner is a resident of Delhi and has remained away from his home and hearth for over four months. In view of the aforesaid circumstances, we are of the opinion though the condition directing him to remain within the jurisdiction of State of West Bengal may be waived in order to monitor his movements and rule out possibility of commission of similar offences attendance to the investigating agency is necessary. Accordingly, he shall meet the investigating officer once in a month until further orders.

Other conditions shall continue.

In the event he fails to comply with the aforesaid conditions it shall be open to the State to pray for cancellation of bail in accordance with law.

Accordingly, application for relaxation of condition of bail being CRAN 1 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)