

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

C.R.R. 423 of 2023

***Sachin Amrit Rao Deshmukh @ Amrit Rao @ Sachin Amrutrav
Rao @ Sachin Amruta Rao Deshmukh @ Sachin Amrutrav
Deshmukh.***

***Vs.
State of West Bengal***

**For the petitioner : Mr. Soumya Nag, Adv.
Mr. Aditya Tiwari, Adv.
Mr. Vinit Choubey, Adv.
Ms. Namrata Chatterjee, Adv.**

Heard on : 14.03.2023

Judgment On : 14.03.2023.

Bibek Chaudhuri, J.

The petitioner has assailed an order dated 21st December, 2022 passed by the learned Additional Sessions Judge, Chandernagore, Hooghly in S.C. No.94 of 2017 thereby granting bail to the petitioner in connection with the said case with certain conditions.

It is submitted by the learned Advocate for the petitioner that the petitioner is not in a position to satisfy the conditions for bail. Therefore, he is still in custody. Accordingly, the petitioner has approached this Court for modification of the conditions for bail.

Having heard the learned Advocate for the petitioner, this Court is of the view that the Court, which granted bail can only modify the conditions for bail. In this regard, this Court is of the view that criminal jurisprudence speaks in favour of granting bail of an accused and it is axiomatic that bail is the rule and jail is an exception. But if the conditions for bail prima facie appears to be punitive and is passed in such a manner so that the accused may not comply with the conditions and consequently is unable to come out of the custody during trial, purpose of bail is frustrated.

In view of such circumstances, though this Court finds that this Court is not in a position to alter the conditions, the instant revision is disposed of directing the Trial Court to consider the prayer for modification of the conditions for bail of the accused/petitioner keeping in mind that during trial unless extreme exigency occurs, the accused ought to be released on bail.

With the above observations, the instant revision is **disposed of.**

(Bibek Chaudhuri, J.)

**Mithun De/
A.R. (Ct).
SI No.14.
D/L.**