

Form J(1)

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

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

CRR 1279 of 2023

**Mahendra Ghosh @ Mahen
Vs.
The State of West Bengal**

Mr. Arunava Ganguly
..for the petitioner

Mr. Madhusudan Sur, APP
Mr. Manoranjan Mahata
..for the State

Item No. 29

Heard & Judgment on: 18.05.2023

Bibek Chaudhuri, J.

In a proceeding under Section 110 of the Code of Criminal Proceeding the petitioner was directed to furnish bond of certain special class of persons like school teachers, respectable persons of the locality, employee of the nationalized bank etc. The petitioner filed an application for modification of the order before the learned Executive Magistrate and vide order dated 22nd February, 2023 the

learned Executive Magistrate was generous enough to ask the accused to file bond of bank employees in place of school teachers.

It is no longer a res integra that condition of bond for good behaviour should not be given in such a manner so as to it is impossible for the petitioner to submit bond resulting in unnecessary custodial detention. A Co-ordinate Bench of this Court in Rajesh Prasad Tanti vs. State of West Bengal ; CRR 3465 of 2021, judgment dated 1st August, 2022 has issued certain guidelines with regard to the order of the nature of good behaviour bond under Section 111 of the Code of Criminal Procedure. The learned Executive Magistrate is under obligation to follow it. Therefore, this Court sets aside the order dated 22nd February, 2023 and directs the learned Executive Magistrate of Chandannagore Police Commissionerate to pass the order of good behaviour bond as per the guidelines in Rajesh Prasad Tanti's case.

The instant revision is, thus, disposed of.

(Bibek Chaudhuri, J.)