

03.10.2023.
03.
Ct.No.28
as

CRM 5733 of 2021
with
CRAN 1 of 2023
with
CRAN 2 of 2023

In Re: **Raju Dutta @ Long Raju.**

... Petitioner.

Mr. Arindam Jana,
Mr. Sumanta Das.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Trina Mitra.

...for the State.

Mr. Kallol Mondal.

...for the CBI.

Re: **CRAN 1 of 2023**
with
CRAN 2 of 2023

1. Petitioner had entered the District of Nadia to attend the last rites of his father. He contends his home and hearth is in Nadia. After demise of his father his presence at his residence is most essential. He prays for relaxation of condition of bail not to enter the District of Nadia.

2. Learned Advocate for CBI opposes the application for relaxation of condition of bail on the ground that petitioner had not met the Investigating Officer of BSF at Kalyani every Wednesday of a week in terms of order dated 18.04.2022.

3. We have considered the materials on record. The said condition had been modified by a subsequent order dated 18.11.2022 which directed the petitioner to meet the Duty Officer, SP, CBI, SCB, Kolkata CGO Complex 2nd

Avenue, DF Block, Section-1, Bidhannagar once in a month. By order dated 13.03.2023, the interim bail was confirmed. But erroneously instead of referring to the latter order dated 13.03.2023, earlier order dated 18.11.2023 was referred therein.

4. We have considered the materials on record. Petitioner is a resident within the District of Nadia. He has recently lost his father. He has duly complied with the condition of bail and met the Officer-in-charge, Rahara Police Station within whose jurisdiction he is residing as well as Duty Officer, SP, CBI, SCB, Kolkata CGO Complex. Though it is contended petitioner is not regularly attending the trial Court, it appears no adjournment was sought on his behalf. Charge has not yet been framed and there is little possibility of trial concluding in the near future.

5. Taking advantage of this inadvertent error, learned Advocate for CBI submits petitioner has not complied with the condition of order dated 18.04.2022.

6. Materials on record show petitioner acted in terms of the modified order dated 13.03.2023 and has met the Duty Officer, SP, CBI, SCB, Kolkata, CGO Complex once in a month. This clearly demonstrates his intention to make himself available before the CBI authorities. Prior to taking out the application for relaxation, no prayer for cancellation was taken out by CBI on the ground that the petitioner had not complying with the terms imposed upon

him vide order dated 18.04.2022. This shows CBI also was under the impression that petitioner would comply with the modified conditions imposed on 13.03.2023.

7. In view of the aforesaid, we are of the opinion petitioner has substantially complied with the conditions imposed on him by the modified order dated 18.11.2023. Trial has not commenced and there is little possibility of trial concluding in the near future.

8. A balance must be struck between the right of the State to seek restrictions on movement of an accused infringing his right to return to his home and hearth on one hand and the fundamental right of the said accused to movement and be with his family on the other hand.

9. Accordingly, we relax the condition of bail imposed on the petitioner not to enter Nadia district. He shall continue to meet the Duty Officer, SP, CBI, SCB, Kolkata CGO Complex once in a month until further orders.

10. In the event petitioner misuses his liberty, it shall be open to CBI to seek cancellation of his bail in accordance with law.

11. Accordingly, application being CRAN 1 of 2023 and CRAN 2 of 2023 are disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)