

17.07.2023
Serial no. 33
[G.S.D]

CRR 2702 of 2022

In the matter of : Anirban Dey

... .. Petitioner

Mr. Kaushik Gupta
Ms. Jhuma Sen
Ms. Srimoyee Mukherjee
Mr. Dinesh Vishwakarma

... for the Petitioner

Mr. Saswato Gopal Mukherjee, Ld. P.P.
Mr. Rudradipta Nandy, Ld. A.P.P.
Ms. Sonali Das

... for the State

Mr. Gupta, Learned Advocate appearing for the petitioner prays for setting aside the order dated June 27, 2022 so far as the conditions imposed by the Learned ACMM, Kolkata while granting A.I. bail particularly with regard to the part of the order, wherein he directed for furnishing the P.R. bond, recording the submissions made on behalf of the petitioner that he has committed a mistake in using any type of slang, derogatory, obscene words against our National Flag and shall never repeat such mistake in the future.

The further condition which was imposed by the Learned Magistrate is that the accused petitioner shall upload a video in the same media showing that he has

committed a mistake in using any type of slang, derogatory and obscene words against our National Flag.

The Learned Magistrate directed that such video must be uploaded within 2.8.2022.

Mr. Gupta additionally also submits that there has been non-compliance of Section 41A of the Cr.P.C. prior to arrest of the present petitioner.

These issues were dealt with before the Learned ACMM, Kolkata, who released the petitioner on an ad interim bail and subsequently challenged the order before the Hon'ble High Court.

I find that the petitioner was released on an ad interim bail and liberty was granted so far as the relaxation, modification and/or waiver of the conditions and/or non-compliance of the conditions imposed should be harped before the Learned Magistrate, who granted ad interim bail to the petitioner. Petitioner is also granted liberty to agitate the rest of the points before the Learned ACMM, Kolkata.

The Learned Public Prosecutor appearing for the State initially has opposed the prayer advanced by Mr. Gupta for setting aside the said condition.

Since this Court feels that the issue should be first canvassed before the Learned Magistrate, who granted ad interim bail, I am of the opinion that their objections may be placed before the Learned Magistrate in detail.

With the aforesaid observations, CRR 2702 of 2022 is disposed of. Pending application(s), if any, is also disposed of.

All parties to act on a server copy of this order duly obtained from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)