

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

CRR 4647 of 2022

Suman Kumar Pal

-Vs-

The State of West Bengal & Anr.

For the Petitioner: Mr. Ayan Bhattachraya, Adv.,
 Ms. Namita Agarwal, Adv.,
 Mr. Santanu Talukdar, Adv.

For the O.P: Mr. Rana Mukhopadhyay, Adv

For the State: Mr. Saibal Bapuli, Adv.,
 Ms. Sayanti Santra, Adv.

Heard on: 24 February, 2023.

Judgment on: 24 February, 2023.

BIBEK CHAUDHURI, J. : –

1. Order dated 12th December, 2022 passed by the learned Chief Judge, City Sessions Court, Calcutta in Criminal Misc. Case No.440 of 2022, thereby cancelling the bail of the petitioner in connection with the Shakespeare Sarani Police Station Case No.16 of 2022 is assailed in the instant revision.

2. Suffice it to say that the petitioner was granted bail by the learned Chief Judge, City Sessions Court with certain conditions one of such condition was that the petitioner would not leave the territorial jurisdiction of the learned Chief Metropolitan Magistrate, Calcutta. The petitioner is a permanent resident of Bongoan in the district of North 24

Parganas. In order to maintain his livelihood he had to leave Kolkata and stayed in Bongoan. The learned Chief Judge on his finding that the petitioner violated the conditions of bail and cancelled bail of the petitioner vide order dated 12th December, 2022.

3. When the matter is taken up today by this Court for final hearing, Mr. Rana Mukhopadhyay, learned Advocate for the opposite party has submitted ass letter issued by the authorized signatory of the opposite party No.2/defacto complainant informing him, inter alia, that the dispute between the defacto complainant and the petitioner has been amicably settled and the learned Advocate for the opposite party was instructed not to contest the instant revisional application.

4. I have heard Mr. Bhattacharya, learned Advocate for the petitioner in **Kamala Pandey Vs. The King** reported in **AIR 1949 Cal 582**, the Division Bench of this Court was pleased to waive similar condition holding inter alia, that such condition amounts to denial of livelihood of the petitioner.

5. Applying the said ratio in the instant revision, this Court has no other alternative but to hold that the impugned order of cancellation of bail of the petitioner suffers from patent illegality and material irregularity.

6. Accordingly order dated 12th December, 2022 is set aside.

7. The petitioner is permitted to remain on same bail. However the condition for bail to the effect that he would not leave the territorial

jurisdiction of the Chief Metropolitan Magistrate, Calcutta is recalled and waived.

8. The instant revision is accordingly allowed.

(Bibek Chaudhuri, J.)